

EXHIBIT A

KEITH THORNTON, JR. - June 10, 2013

1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DAVID D. WILBON, ET AL.,)
)
Plaintiffs,) No. 12 C 1132
)
vs.) Volume I
)
JOSEPH M. PLOVANICH, ET AL.,) Pages 1 - 190
)
Defendants.)
)

Videotaped Deposition of
KEITH THORNTON, JR.
June 10, 2013

Reported by:
SERENA WONG, CSR# 10250

JAN BROWN & ASSOCIATES
WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES
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KEITH THORNTON, JR. - June 10, 2013

2

I N D E X

	Page
Examination by Ms. Dymkar	6, 184
Examination by Ms. Pinkston	180, 187
Reporter's Certificate	190

INDEX OF EXHIBITS

Plaintiff's		Page
Exhibit 1	Driver's license (Attorney's Eyes Only)	11
Exhibit 2	Affadavit of Keith Thornton, Jr.	38
Exhibit 3	Google map page	74
Exhibit 4	Google map page	83

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KEITH THORNTON, JR. - June 10, 2013

3

BE IT REMEMBER that, pursuant to Notice of Taking Deposition, on Monday, June 10, 2013, commencing at the hour of 10:17 a.m., at 201 Wilshire Boulevard, 2nd Floor, Santa Monica, California 90401, before me, Serena Wong, a Certified Shorthand Reporter in the State of California there personally appeared:

KEITH THORNTON, JR.,
called as a witness by the Defendants, who being by me first duly sworn, was thereupon examined and interrogated as is hereinafter set forth.

--o0o--

KRISTIN PINKSTON, Attorney at Law, and DANA PESHA, of the City of Chicago, 30 N. LaSalle Street, Suite 900, Chicago, Illinois 60602, appeared as counsel on behalf of the Defendants, City of Chicago.
Tel: (312) 744-9212
e-mail: kristin.belcher@cityofchicago.org
(Video conference appearance)

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KEITH THORNTON, JR. - June 10, 2013

4

IRENE K. DYM KAR, Attorney at Law, of the Law Offices of Irene K. Dymkar, 300 W. Adams Street, Suite 330, Chicago, Illinois, 60606, appeared as counsel on behalf of the Plaintiff, George Smith.
Tel: (312) 345-0123
(Video conference appearance)

Also present were John Arel, the videographer, and George Smith, plaintiff, (video conference appearance).

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KEITH THORNTON, JR. - June 10, 2013

5

JUNE 10, 2013, MONDAY, 10:17 A.M.

VOLUME I

PROCEEDINGS

--000--

THE VIDEOGRAPHER: Good morning. We are on the record. Here marks the beginning of Videotape No. 1 in the deposition of Mr. Keith Thornton in the matter of David D. Wilson (sic), et al., versus City of Chicago, et al. Case number is 12C1132. Today's date is Monday, June 10th, in the year 2013, and the time on the monitor is 10:18 a.m. We are located at 201 Wilshire Boulevard, second floor, in Santa Monica, California.

The videographer today is John Arel, certified court videographer, of Jan Brown & Associates Worldwide Deposition & Videography Services, (800) 522-7096. The court reporter today is Serena Wong of Jan Brown & Associates.

Would counsel, please, identify yourselves and state whom you represent.

MS. DYM KAR: My name is Irene Dymkar. I represent the plaintiffs in this action. Seated next to me, to the left, is George Smith. He's one of the plaintiffs in this action.

MS. PINKSTON: Good morning. My name is

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KEITH THORNTON, JR. - June 10, 2013

6

Kristin Pinkston, and I represent the defendants in this matter.

MS. PESHA: Good morning. My name is Dana Pesha, and I represent the defendants in this matter.

THE VIDEOGRAPHER: If there are no stipulations, would the reporter please swear in the witness.

KEITH THORNTON, JR.
was called as a witness, and having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. DYM KAR:

Q Okay. Could you, please, state your full name for the record and spell your first name and last name and tell us if you have a middle initial?

A Yes. Keith, K-E-I-T-H, Thornton, T-H-O-R-N-T-O-N, middle initial A.

Q And you are a junior?

A That is correct.

Q Did you bring a driver's license with you today?

A Yes, I did.

Q Okay. Could we see your driver's license,

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KEITH THORNTON, JR. - June 10, 2013

7

10:19:58 1 please?

10:20:10 2 A There's my driver's license. (Indicating).

10:20:13 3 Q Okay. You're covering it with your hand,
10:20:14 4 sir.

10:20:16 5 A I'm covering my address, ma'am.

10:20:18 6 Q I would like to see your driver's license,
10:20:23 7 sir. We need to verify who you are.

10:20:24 8 MS. PINKSTON: I'm just going to object for
10:20:27 9 the record. He's presented a driver's license, California
10:20:29 10 issue, and you can see the name and the driver's license
10:20:32 11 number. He's only covered the address.

10:20:34 12 MS. DYM KAR: I cannot see a number, and I
10:20:37 13 cannot see the name, and he's covering the bottom half of
10:20:41 14 it.

10:20:43 15 Q BY MS. DYM KAR: I -- I would like to have a
10:20:46 16 copy of the driver's license so we can verify who it is we
10:20:52 17 are talking to today. Would the court reporter be allowed
10:21:01 18 to copy the driver's license?

10:21:01 19 A (No verbal response.)

10:21:01 20 Q Sir?

10:21:04 21 A Yes, ma'am?

10:21:06 22 Q I would like to have a copy of your
10:21:11 23 driver's license, please, so we can verify who you are.

10:21:15 24 A They verified that, ma'am.

10:21:17 25 Q I would like to have a copy of your

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KEITH THORNTON, JR. - June 10, 2013

8

10:21:21 1 driver's license. I -- all I could see was a last name
10:21:23 2 and the State of California. I would like to have a copy
10:21:32 3 of your driver's license so we can verify who you are.
10:21:32 4 Will you --

10:21:32 5
10:21:34 6 MS. PINKSTON: I'm just going to object.

10:21:34 7 Q BY MS. DYM KAR: -- give your driver's
10:21:36 8 license to the court reporter, so the court reporter could
10:21:40 9 copy it for us? And if you want it to be for attorney's
10:21:45 10 eyes only, it can be for attorney's eyes only, but I need
10:21:48 11 to have a picture ID with identifying information about
10:21:52 12 you to verify who you are, sir.

10:21:53 13 MS. PINKSTON: I'm just going to object to
10:21:56 14 -- to this line of questioning. If necessary, defendants
10:21:59 15 will file a protective order in order to protect
10:22:00 16 Mr. Thornton's address.

10:22:03 17 I think that, if the officer -- the court
10:22:06 18 reporter wants to take a look at the driver's license and,
10:22:08 19 as an officer of the Court, verify that it is his driver's
10:22:12 20 license, that should be sufficient for you to understand
10:22:15 21 who you're deposing at this time.

10:22:16 22 MS. DYM KAR: No. I would like a copy of
10:22:19 23 the driver's license. The court reporter does not work
10:22:23 24 for us or or for the Court or for -- for anyone, other
10:22:26 25 than for us for the purposes of this deposition.

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KEITH THORNTON, JR. - June 10, 2013

9

10:22:28 **1** Q BY MS. DYM KAR: I would like to have a copy
 10:22:33 **2** of your license. Are you refusing to give us a copy of
 10:22:35 **3** your license?

10:22:37 **4** A For the sake of my safety, ma'am, because I
 10:22:42 **5** fear for my life, I will do just that, by giving her my
 10:22:45 **6** name, and she can verify that.

10:22:47 **7** Q Okay. I'm -- I am not agreeing to that. I
 10:22:50 **8** would like to have a copy of your license. I would like
 10:22:53 **9** you to give that to the court reporter to make a copy. As
 10:22:57 **10** I said, it could be for attorney's eyes only, but I need
 10:23:06 **11** to have a picture ID that verifies who you are.

10:23:08 **12** Will you give your license to the court
 10:23:13 **13** reporter to copy, to give to the attorneys in this action?

10:23:15 **14** A She can verify the address, ma'am. Yes,
 10:23:18 **15** ma'am.

10:23:20 **16** Q Okay. No. You're not answering my
 10:23:20 **17** question, sir. My question is --

10:23:21 **18** A I'm answering it.

10:23:29 **19** Q -- whether you will -- will you give her
 10:23:31 **20** your driver's license to copy, so that we can verify who
 10:23:31 **21** you are?

10:23:35 **22** A Yes, I will.

10:23:37 **23** Q You will give her your driver's license?

10:23:40 **24** A I just answered that.

10:23:42 **25** Q Okay. I -- I'm sorry. There is a delay in

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KEITH THORNTON, JR. - June 10, 2013

10

10:23:43 **1** the questions and answers.

10:23:45 **2** Did you say you will give her your driver's
 10:23:50 **3** license to copy for attorney's eyes only?

10:23:53 **4** A I did say that. Yes, I did.

10:23:56 **5** Q Okay. Could you give it to her now, so the
 10:24:30 **6** copy could be made?

10:24:30 **7** THE COURT REPORTER: Do you -- could -- do
 10:24:30 **8** you -- do you want to go off the record, so I can get a
 10:24:30 **9** copy made?

10:24:30 **10** MS. DYM KAR: Sure. If you could get a copy
 10:24:30 **11** made and then assure us that you will give it to the
 10:24:30 **12** attorneys, for the attorney --

10:24:30 **13** THE VIDEOGRAPHER: We're going off the
 10:24:33 **14** record at 10:24 a.m.

10:28:21 **15** (Brief recess.)

10:28:31 **16** THE VIDEOGRAPHER: Stand by, please. We're
 10:28:38 **17** back on the record at 10:28 a.m.

10:28:40 **18** MS. DYM KAR: I had made the request, now
 10:28:44 **19** that we have a photocopy of deponent's driver's license,
 10:28:51 **20** that that be marked as Exhibit 1 for identification, with
 10:28:56 **21** the understanding that Exhibit 1 is going to be for
 10:28:57 **22** attorney's eyes only.

10:28:59 **23** So I do need to inquire of the court
 10:29:04 **24** reporter, Ms. Wong, whether you're going to be marking the
 10:29:09 **25** photocopy as Exhibit 1 and providing that photocopy to the

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KEITH THORNTON, JR. - June 10, 2013

11

10:29:11 1 attorneys in this case.

10:29:13 2 MS. PINKSTON: And defendants are objecting
10:29:16 3 to a copy of the driver's license being marked as
10:29:21 4 Exhibit 1.

10:29:23 5 THE COURT REPORTER: Okay. Normal
10:29:40 6 procedure is I mark the driver's license, and then counsel
10:29:40 7 can move for a protective order with the judge and the
10:29:40 8 judge can decide. Is that --

10:29:40 9 MS. PINKSTON: Thank you.

10:29:40 10 (Exhibit 1 was marked.)

10:29:41 11 MS. DYM KAR: I -- okay. I am going to ask
10:29:45 12 my client to leave the room for a couple of minutes. I
10:29:49 13 would like to see a copy of that driver's license to
10:29:53 14 verify that this is, in fact, Mr. Thornton.

10:29:54 15 MS. PINKSTON: I'm objecting for the same
10:29:59 16 reasons, and I've asked that -- you know, I've objected
10:30:02 17 that we're moving for a protective order.

10:30:03 18 MS. DYM KAR: I am trying to verify the
10:30:07 19 identity of this witness before we spend several hours at
10:30:08 20 deposition. I --

10:30:10 21 MS. PINKSTON: He has stated his name under
10:30:13 22 oath, and there's an officer of the court present, in the
10:30:16 23 room, that can verify that this is the person that it says
10:30:18 24 on the driver's license.

10:30:19 25 MS. DYM KAR: She's -- the court reporter is

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KEITH THORNTON, JR. - June 10, 2013

12

10:30:22 1 not qualified to verify the identity of -- of a person.

10:30:25 2 So I am going to ask my client to leave the room for a
10:30:30 3 couple of minutes, and I am going to ask that the
10:30:37 4 photocopy of the driver's license be presented to us on
10:30:38 5 the screen.

10:31:17 6 Is that acceptable, Ms. Wong?

10:31:17 7 THE COURT REPORTER: Can we go off the
10:31:17 8 record for a second? I'm going to call my office and
10:31:17 9 figure out how to proceed in this situation. Do you mind?

10:31:17 10 MS. DYM KAR: I'm not sure -- what is it
10:31:17 11 that you have to do, now, Ms. Wong?

10:31:17 12 THE COURT REPORTER: I just don't want to
10:31:17 13 overstep my boundaries as a court reporter. I -- and I
10:31:17 14 just want to verify with my office if -- if this is okay
10:31:17 15 for me to do.

10:31:21 16 MS. DYM KAR: Let me just say it this way.
10:31:26 17 If we were in person, this would be a normal thing to ask,
10:31:28 18 Mr. Thornton would hand me the driver's license, I would
10:31:32 19 look at it, I would go out of the room, photocopy it, give
10:31:34 20 it back to him.

10:31:35 21 We are dealing with distance here, so we
10:31:38 22 have to rely on the court reporter to do it, but that
10:31:42 23 doesn't mean I -- that I should not be able to see the
10:31:45 24 driver's license to verify Mr. Thornton's identity.

10:31:47 25 And if the issue has to do with my client

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KEITH THORNTON, JR. - June 10, 2013

13

10:31:50 1 being in the room, I could ask him to leave for a couple
10:31:53 2 of minutes.

10:31:53 3 THE COURT REPORTER: Okay. I just --

10:31:55 4 MS. PINKSTON: Defendants have a standing
10:31:57 5 objection to this. You know, Ms. Dymkar has acknowledged
10:32:00 6 that it will be attorney's eyes only. Defendants have
10:32:03 7 also stated on the record that we will be moving for a
10:32:05 8 protective order, and, so, therefore, I think this
10:32:09 9 direction is improper, based upon those objections, and
10:32:12 10 you know, we will seek court intervention should this
10:32:18 11 continue.

10:32:19 12 MS. DYM KAR: My request to the court
10:32:21 13 reporter is to show us the photocopy of the driver's
10:32:32 14 license.

10:32:37 15 THE COURT REPORTER: Okay. That's fine. I
10:32:37 16 -- I think that -- that's fine.

10:32:38 17 MS. DYM KAR: I -- I believe Mr. Thornton
10:32:41 18 has agreed that we could see the driver's license, as long
10:32:53 19 as it was for attorney's eyes only.

10:32:53 20 THE COURT REPORTER: Oh, okay. I thought
10:32:53 21 you were going to have the plaintiff step out.

10:32:55 22 MS. DYM KAR: I could ask him to step out --

10:32:55 23 THE COURT REPORTER: Okay.

10:32:55 24 MS. DYM KAR: -- yes, if that -- why don't
10:32:59 25 you step out for a couple of minutes, Mr. Smith.

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KEITH THORNTON, JR. - June 10, 2013

14

10:32:59 1 (George Smith leaves room.)

10:33:08 2 MS. DYM KAR: Okay. Mr. Smith has now left
10:33:10 3 the room, and this will be subject to the protective
10:34:07 4 order.

10:34:07 5 THE COURT REPORTER: Okay. I'm -- I'm
10:34:07 6 going to hold up the driver's license. Can you see it?

10:34:07 7 MS. DYM KAR: It's very difficult, but --

10:34:20 8 MS. PINKSTON: And I just want to state for
10:34:20 9 the --

10:34:20 10 MS. DYM KAR: I cannot read it.

10:34:20 11 THE COURT REPORTER: Would you like me to
10:34:20 12 read --

10:34:21 13 MS. PINKSTON: I just want to state for the
10:34:26 14 record that defense counsel can read it.

10:34:27 15 MS. DYM KAR: I am reading -- I am trying to
10:34:35 16 read it. It says it expires on 9/17/2017. The number of
10:34:48 17 the license is F5007488 (sic), and it says Keith Anthony
10:34:51 18 Thornton, Jr.

10:34:54 19 I cannot read the address. It's a number,
10:34:56 20 National Boulevard, and then some -- some unit number
10:34:59 21 after that, Los Angeles, California, and the ZIP code that
10:35:01 22 I can't read.

10:35:07 23 Could you read that to me?

10:35:09 24 MS. PINKSTON: This is all subject to
10:35:20 25 protective order.

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KEITH THORNTON, JR. - June 10, 2013

15

10:35:21 1 MS. DYM KAR: Ms. Wong, will you be reading
 10:35:37 2 it to me or have Mr. Thornton read it to me?
 10:35:42 3 THE COURT REPORTER: Yeah. Do you mind
 10:35:42 4 reading --
 10:35:42 5 THE WITNESS: Huh-uh.
 10:35:44 6 THE COURT REPORTER: Okay. 535 National
 10:35:57 7 Boulevard, Unit 10, in Los Angeles, California, 90034, and
 10:35:59 8 the driver's license number is F5007486.
 10:36:21 9 MS. DYM KAR: Okay. And the expiration date
 10:36:25 10 is 9/17/17?
 10:36:25 11 THE COURT REPORTER: The expiration date is
 10:36:25 12 -- let's see. Yeah, 9/17/17.
 10:36:40 13 MS. DYM KAR: Is there an issuance date?
 10:36:47 14 THE COURT REPORTER: Yes. 11/29/2012.
 10:36:50 15 MS. DYM KAR: Okay. Ms. Wong, you will be
 10:36:54 16 providing us a photocopy of that license?
 10:36:59 17 THE COURT REPORTER: Yes.
 10:37:00 18 MS. DYM KAR: Okay. All right. I am going
 10:37:13 19 to have George Smith come back into the room right now.
 10:37:13 20 THE COURT REPORTER: Okay. Can you make
 10:37:13 21 sure and speak into the mic, because I'm having a hard
 10:37:13 22 time hearing you.
 10:37:16 23 MS. DYM KAR: Okay. What I said was I was
 10:37:17 24 going to have the -- one of the plaintiffs, George Smith,
 10:37:28 25 come into the room now.

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KEITH THORNTON, JR. - June 10, 2013

16

10:37:28 1 THE COURT REPORTER: Okay. Great.
 10:37:30 2 (George Smith enters room.)
 10:37:31 3 Q BY MS. DYM KAR: Now, Mr. Thornton, the
 10:37:37 4 information on that driver -- driver's license is correct?
 10:37:42 5 A Yes, it is.
 10:37:53 6 Q So the issuance date and the address are
 10:37:53 7 correct?
 10:37:56 8 A I just answered that question. Yes, it
 10:37:58 9 is.
 10:38:02 10 Q All right. Then we can -- we can begin in
 10:38:05 11 a more formal way. I want to reintroduce myself. I'm
 10:38:09 12 Irene Dymkar. I'm the attorney for David Wilbon, Rico
 10:38:13 13 Wilbon, and George Smith. I was the attorney for Anthony
 10:38:18 14 Pleez, LaShawn Lewis, Sean Smith, and Tyrone Jones in a
 10:38:21 15 case that's been settled with the City of Chicago.
 10:38:22 16 George Smith is present in the room. He's
 10:38:26 17 one of the plaintiffs in this action. Also present are
 10:38:29 18 two attorneys from the City of Chicago. Kristin Pinkston
 10:38:33 19 is present right now. Dana Pesha has been in and out of
 10:38:35 20 the room.
 10:38:36 21 Sir, is it your understanding that either
 10:38:40 22 Ms. Pesha or Ms. Pinkston represent you today?
 10:38:42 23 A No.
 10:38:45 24 Q Are you represented by an attorney --
 10:38:46 25 A No.

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KEITH THORNTON, JR. - June 10, 2013

17

10:38:49 **1** Q -- today?

10:38:51 **2** Okay. I'm going to be asking you a series
10:38:55 **3** of questions. I want to go over some basic rules on how
10:38:57 **4** you're to answer the questions so that we can proceed
10:38:58 **5** smoothly.

10:39:00 **6** First of all, it's important that you
10:39:04 **7** understand my questions. So if you don't understand
10:39:07 **8** something I'm asking you or you don't hear it for some
10:39:10 **9** reason, you need to say something, either you don't hear
10:39:13 **10** it or you don't understand it or you want to have it
10:39:16 **11** rephrased. Because if you answer the question, then we're
10:39:18 **12** going to assume that you heard the question and that you
10:39:19 **13** understood it. Okay?

10:39:24 **14** A Okay.

10:39:27 **15** Q Okay. Also, you are to answer in complete
10:39:32 **16** words, as you are doing right now, yes, no, or, you know,
10:39:37 **17** a fuller answer. The court reporter can't take down if
10:39:40 **18** you shrug your shoulders or if you make sounds, like
10:39:45 **19** uh-huh, huh-uh. So all your answers have to be in
10:39:45 **20** complete words.

10:39:48 **21** Is that understood?

10:39:52 **22** A Yes.

10:40:00 **23** Q Okay. When I ask you a question, it may be
10:40:03 **24** obvious to you what I'm asking you. You have to wait for
10:40:07 **25** me to ask the complete question. Similarly, I need to

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KEITH THORNTON, JR. - June 10, 2013

18

10:40:10 **1** wait for you to answer completely. And that's so the
10:40:13 **2** court reporter can take down both what my question is and
10:40:16 **3** what your answer is. Okay?

10:40:20 **4** A Yes.

10:40:22 **5** Q In other words, in real conversation,
10:40:25 **6** sometimes we talk at the same time, we talk over each
10:40:27 **7** other. We can't do that when we're at deposition. Okay?

10:40:31 **8** A Yes.

10:40:34 **9** Q Have you ever given a deposition before?

10:40:37 **10** A No.

10:40:38 **11** Q Pardon me. No?

10:40:40 **12** A No.

10:40:43 **13** Q Okay. There's a lot of interference in the
10:40:46 **14** sound. I don't know if you hear us really well. It's
10:40:49 **15** very hard to hear you because there's some type of a motor
10:40:53 **16** or a fan that's interfering. So if I ask you to repeat
10:40:57 **17** yourself, it's because I couldn't hear you over that
10:40:58 **18** interference. Okay?

10:41:03 **19** A Yes.

10:41:06 **20** Q Now, Mr. Thornton, do you know that
10:41:09 **21** plaintiffs issued a subpoena for your deposition on May 6,
10:41:12 **22** 2013?

10:41:14 **23** A Yes.

10:41:20 **24** Q Okay. And you, in fact, e-mailed me on May
10:41:27 **25** 4th, about 1:09 p.m., saying that you wanted to talk to me

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KEITH THORNTON, JR. - June 10, 2013

19

10:41:30 1 about the subpoena; right?

10:41:35 2 **A That is the correct answer, yes.**

10:41:37 3 Q I'm sorry. I didn't hear you.

10:41:38 4 **A I said "yes."**

10:41:40 5 Q Could you repeat -- yes. Okay.

10:41:46 6 And then I e-mailed you back that same day,

10:41:50 7 May 4, 2013, and then we spoke to each other; right?

10:41:52 8 **A Yes.**

10:41:55 9 Q We spoke to each other about the -- about

10:41:57 10 the subpoena; right?

10:42:00 11 **A Not about the subpoena. About the actual**

10:42:04 12 **actions of that day.**

10:42:08 13 Q We did talk about the subpoena, too; right?

10:42:14 14 **A That I never received it? Yes.**

10:42:15 15 Q We -- we talked about the subpoena coming

10:42:19 16 to your home at 4814 West Wabansia.

10:42:24 17 **A That wouldn't be my home, ma'am.**

10:42:26 18 Q Okay. That's where you grew up; right?

10:42:29 19 **A That is correct.**

10:42:32 20 Q We'll get back to that in -- in a minute.

10:42:41 21 Are you -- you know that there are proceedings June 12th

10:42:42 22 regarding the subpoena; right?

10:42:43 23 **A I don't understand that.**

10:42:45 24 Q You -- you understand there's a court

10:42:50 25 proceeding -- a contempt proceeding on June 12th regarding

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KEITH THORNTON, JR. - June 10, 2013

20

10:42:51 1 the subpoena?

10:42:53 2 **A Yes.**

10:42:57 3 Q I have sent you various e-mails about the

10:43:01 4 court date and have e-mailed you those papers.

10:43:04 5 Do you agree with that, that you have

10:43:07 6 received the papers by e-mail?

10:43:09 7 **A They're, more than likely, in my e-mail,**

10:43:12 8 **yes.**

10:43:19 9 Q And, in fact, I -- would you agree that

10:43:21 10 I've e-mailed you -- I've e-mailed you on May 5th, May

10:43:24 11 19th, May 27th, June 3rd, and June 6th? Would that be

10:43:26 12 consistent with your recollection of when you have

10:43:29 13 received e-mails from me?

10:43:31 14 **A I would say so.**

10:43:34 15 Q Okay. Are you going to be appearing in

10:43:40 16 court to object to the subpoena, on June 12th?

10:43:41 17 **A I never received --**

10:43:44 18 **MS. PINKSTON: I'm going to object to that**

10:43:47 19 **question, because it mischaracterizes what the proceeding**

10:43:49 20 **is on June 12th.**

10:43:51 21 Go ahead.

10:43:53 22 **THE WITNESS: I've never received a**

10:43:57 23 **subpoena.**

10:43:58 24 Q **BY MS. DYM KAR: Okay. You did receive, by**

10:44:04 25 **e-mail, a copy of the petition or the motion for rule to**

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KEITH THORNTON, JR. - June 10, 2013

21

10:44:09 1 show cause regarding the subpoena; correct?

10:44:10 2 MS. PINKSTON: Objection, asked and

10:44:19 3 answered.

10:44:20 4 Q BY MS. DYM KAR: Sir?

10:44:23 5 A Ma'am?

10:44:25 6 Q I need to have an answer to the question.

10:44:27 7 A Could you repeat that -- that question?

10:44:32 8 Q Okay. You received papers regarding a

10:44:39 9 motion for a rule to show cause regarding the subpoena;

10:44:41 10 correct?

10:44:45 11 A If that's what you sent, ma'am.

10:44:47 12 Q Well, you're agreeing with -- you did agree

10:44:50 13 to that, right, just a few minutes ago, that you did

10:44:51 14 receive?

10:44:52 15 A I said if that's what you sent.

10:44:53 16 Q Receive the papers?

10:45:02 17 A If that's what you sent.

10:45:04 18 Q Okay. You're aware that we are in court on

10:45:05 19 June 12th?

10:45:06 20 MS. PINKSTON: Objection. Asked and

10:45:15 21 answered.

10:45:15 22 Q BY MS. DYM KAR: Sir?

10:45:16 23 A Ma'am?

10:45:18 24 Q Even when there's an objection, you still

10:45:20 25 -- you still have to answer the question even when there's

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22

10:45:21 1 an objection.

10:45:24 2 A Well, the thing is, ma'am, I answered that

10:45:26 3 question. You've asked me several times already.

10:45:29 4 Q Are you going to be appearing in court on

10:45:31 5 June 12th?

10:45:36 6 A I -- I have no way of getting to court.

10:45:38 7 Q Will you -- will you have an attorney

10:45:41 8 appear for you on June 12th?

10:45:44 9 A No, ma'am.

10:45:46 10 Q Are you willing to waive any objections you

10:45:48 11 might have to the subpoena and proceed on that subpoena

10:45:52 12 today? In other words, have this be your subpoenaed

10:45:56 13 deposition right now?

10:46:00 14 A You would have to explain that.

10:46:01 15 Q Pardon me?

10:46:05 16 A Could you, please, explain that.

10:46:08 17 Q I'm asking whether we could consider this

10:46:12 18 deposition now your subpoenaed deposition.

10:46:13 19 MS. PINKSTON: I'm going to object to the

10:46:16 20 line of this questioning. It's harassing. At this point,

10:46:19 21 you've been shown an address that was issued in November

10:46:23 22 of 2012 showing that he is a California resident, making

10:46:27 23 your rule to show cause even more frivolous in terms of

10:46:30 24 the fact that you know now that your subpoena was not

10:46:33 25 personally served on him and that he is not within the

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23

10:46:33 1 Court's jurisdiction.

10:46:34 2 MS. DYM KAR: Okay. That's --

10:46:35 3 MS. PINKSTON: This is harassing.

10:46:39 4 MS. DYM KAR: That's a speaking objection.

10:46:40 5 MS. PINKSTON: And this needs -- this needs
10:46:42 6 to end. This depo -- the deposition is not over whether
10:46:46 7 or not you have a valid rule to show cause. This is a
10:46:48 8 discovery deposition. Move on.

10:46:50 9 Q BY MS. DYM KAR: My question to you, sir,
10:46:52 10 are you willing to waive any objections to the subpoena
10:46:57 11 and move on that subpoena today and consider this your
10:47:00 12 subpoenaed deposition, so that we only have one
10:47:03 13 deposition?

10:47:05 14 A What is -- what's taking place right now?
10:47:08 15 Absolutely.

10:47:11 16 Q I'm sorry. Could you repeat that, please?

10:47:11 17 A I can hear you very --

10:47:16 18 Q You said "absolutely." What did you say
10:47:19 19 before "absolutely"?

10:47:21 20 A If this deposition that we're currently
10:47:25 21 right now -- and what -- and what do you want to know from
10:47:26 22 there?

10:47:28 23 Q Could that be -- would you consider having
10:47:32 24 this be your subpoenaed deposition?

10:47:35 25 A It's not a problem with me, ma'am.

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KEITH THORNTON, JR. - June 10, 2013

24

10:47:36 1 Q And -- and -- pardon me?

10:47:44 2 A It is not a problem for me.

10:47:45 3 Q Okay. So I'm going to repeat the question
10:47:48 4 again and make sure you understand, because there have
10:47:50 5 been some objections. You're willing to waive objections
10:47:55 6 to that subpoena and proceed today with this deposition as
10:47:56 7 being your subpoenaed deposition?

10:47:59 8 MS. PINKSTON: And I'm going to object to
10:47:59 9 foundation and the fact that you're asking him to waive
10:47:59 10 any legal rights or objections when he has not -- he is
10:48:05 11 not represented in this deposition.

10:48:06 12 Q BY MS. DYM KAR: Sir, your answer?

10:48:11 13 A No.

10:48:14 14 Q So you're willing to appear for another
10:48:16 15 subpoenaed deposition in the future?

10:48:26 16 A If I have to, yes.

10:48:28 17 Q You do not want to consider this to be your
10:48:29 18 subpoenaed deposition?

10:48:30 19 A No, ma'am.

10:48:36 20 MS. PINKSTON: Objection, harassing.

10:48:37 21 Q BY MS. DYM KAR: All right. Your date of
10:48:41 22 birth is [REDACTED] is that correct?

10:48:44 23 A Is that what the license said, ma'am?

10:48:44 24 Q Pardon me?

10:48:48 25 A The license, driver's license.

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25

10:48:50 1 Q No. This is not from your driver's
 10:48:51 2 license, sir.
 10:48:53 3 A No. It was on there.
 10:48:58 4 Q I understand it was on there. It's also on
 10:49:00 5 other official documents.
 10:49:01 6 A So if it's official, then it should -- it
 10:49:02 7 should be right.
 10:49:02 8 Q Is that your -- is that your date of birth?
 10:49:06 9 A It should be accurate, ma'am. That's
 10:49:07 10 right.
 10:49:08 11 Q Okay. And what is your Social Security
 10:49:09 12 number?
 10:49:10 13 MS. PINKSTON: I'm going to object.
 10:49:13 14 Plaintiff is in the room. He's asked that his identity
 10:49:16 15 not be revealed. We've already made the driver's license
 10:49:21 16 attorney's eyes only, and defendants will be moving for a
 10:49:23 17 protective order. These are inappropriate questions with
 10:49:24 18 plaintiff in the room.
 10:49:25 19 MS. DYM KAR: All right. I will ask my
 10:49:28 20 client to leave for a couple of minutes and I'll ask the
 10:49:35 21 same question again.
 10:49:40 22 (Plaintiff steps out of room.)
 10:49:41 23 Q BY MS. DYM KAR: Mr. Smith has left the
 10:49:44 24 room. Could you tell us what your Social Security number
 10:49:45 25 is?

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KEITH THORNTON, JR. - June 10, 2013

26

10:49:48 1 A I don't have my Social Security on me.
 10:49:51 2 Q Okay. Does it start with [REDACTED]?
 10:49:53 3 A That may be it, ma'am. I don't have it on
 10:49:55 4 me to verify it.
 10:49:56 5 Q Is it?
 10:49:57 6 A I --
 10:49:58 7 Q Do you know your Social Security number?
 10:50:01 8 A I would tell you if I knew it.
 10:50:04 9 Q You're saying you don't know your Social
 10:50:04 10 Security number?
 10:50:06 11 A I'm saying I do not know my Social Security
 10:50:11 12 number.
 10:50:13 13 Q All right. I would like to get Mr. Smith
 10:50:20 14 back in the room.
 10:50:35 15 (Mr. Smith enters room.)
 10:50:36 16 Q BY MS. DYM KAR: I would like to get a
 10:50:38 17 description of you for the record.
 10:50:41 18 You are an African-American male; is that
 10:50:41 19 correct?
 10:50:43 20 A It's on the information that you were --
 10:50:48 21 being received on the driver's license.
 10:50:50 22 Q Okay. But we're looking at you on a -- on
 10:50:51 23 a video camera.
 10:50:55 24 You are an African-American male?
 10:50:57 25 A The driver's license that will be sent over

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KEITH THORNTON, JR. - June 10, 2013

27

10:51:01 1 to you, ma'am, it verifies all of that.

10:51:02 2 Q Okay. What's your height and weight?

10:51:07 3 A It's on the driver's license, ma'am.

10:51:10 4 Q Could you tell me what your height and

10:51:12 5 weight is, please, for the record?

10:51:14 6 A It's on the driver's license, ma'am.

10:51:16 7 Q Are you refusing to tell me your height and

10:51:21 8 weight?

10:51:33 9 A (No verbal response.)

10:51:36 10 Q Are you refusing to tell me your height and

10:51:36 11 weight?

10:51:39 12 A I'm refusing to do nothing. I'm just

10:51:41 13 letting you know that the information was provided for you

10:51:42 14 already.

10:51:45 15 Q Now, as you appear today, do you have any

10:51:47 16 facial hair?

10:51:50 17 A Do I have any facial hair?

10:51:50 18 Q Yes.

10:51:53 19 A I shaved this morning. I would say

10:51:55 20 clean-shaven.

10:51:58 21 Q Okay. And on April 10, 2010, did you have

10:52:00 22 any facial hair?

10:52:04 23 A When -- when was that? What date?

10:52:09 24 Q April 10, 2010, the date of this incident.

10:52:11 25 A I don't recall back to the incident. And I

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KEITH THORNTON, JR. - June 10, 2013

28

10:52:14 1 would probably say no, I normally do not have facial

10:52:21 2 hair.

10:52:23 3 Q Could you tell us a phone number we could

10:52:27 4 reach you at to discuss your testimony in the future?

10:52:34 5 A Yes. (312) 203-4205, the same number that

10:52:39 6 I provided to you, ma'am, when you talked to me.

10:52:40 7 MS. PINKSTON: And I'm just going to ask

10:52:44 8 that that be made subject to the protective order as well.

10:52:44 9 Q BY MS. DYM KAR: Okay. That was

10:52:50 10 (312) 203-4205, sir?

10:52:52 11 A That's correct.

10:52:56 12 Q I'm sorry. Yes?

10:52:58 13 A Prior to this going on, you said you would

10:53:01 14 allow me to answer my questions, so you would be able to

10:53:04 15 hear them, and you're talking over me, and that's probably

10:53:07 16 why you cannot hear me.

10:53:08 17 So my answer to your question --

10:53:08 18 Q Okay.

10:53:10 19 A -- was that is correct.

10:53:20 20 Q Okay. Good. Now, you consider 4814 West

10:53:23 21 Wabansia one of your residences?

10:53:23 22 A No.

10:53:24 23 MS. PINKSTON: Objection. Mischaracterizes

10:53:25 24 prior testimony.

10:53:26 25 Q BY MS. DYM KAR: That's the residence

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KEITH THORNTON, JR. - June 10, 2013

29

10:53:29 1 address you gave to the police on April 10, 2010, the date
 10:53:31 2 of this incident, right?

10:53:42 3 A 2010, yes. This is 2013.

10:53:44 4 Q And your father, Keith A. Thornton, Sr.,
 10:53:47 5 has owned that property since 1991; is that correct?

10:53:53 6 MS. PINKSTON: Objection. Foundation.

10:53:54 7 THE WITNESS: I don't know too much about
 10:54:02 8 what my father has done, ma'am. He does own the property.

10:54:03 9 Q BY MS. DYM KAR: He does own the property;
 10:54:04 10 right?

10:54:05 11 A That's correct.

10:54:07 12 Q Okay. And is Deidre Thornton your mother?

10:54:09 13 A Yes, it is.

10:54:11 14 Q Your father, Keith Thornton, and Deidre
 10:54:16 15 Thornton live at 4814 West Wabansia?

10:54:21 16 A Yes, they do.

10:54:23 17 Q And you lived there since you were about
 10:54:24 18 three years old?

10:54:25 19 A I would say so.

10:54:31 20 MS. PINKSTON: Objection, mischaracterizes.

10:54:32 21 Q BY MS. DYM KAR: Just -- I think counsel
 10:54:35 22 spoke at the same time you spoke. You said you would
 10:54:38 23 believe so?

10:54:43 24 A That's correct.

10:54:46 25 Q How many units are there at 4814 West

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KEITH THORNTON, JR. - June 10, 2013

30

10:54:49 1 Wabansia?

10:54:53 2 A There are two units.

10:54:58 3 Q Do family members live in both units?

10:55:02 4 A That is correct.

10:55:05 5 Q Who is Ebony Marshall?

10:55:11 6 A Ebony Marshall is my sister.

10:55:14 7 Q Who lives in the upstairs or second floor
 10:55:16 8 apartment?

10:55:27 9 A That would be my grandmother.

10:55:29 10 Q What's your grandmother's name?

10:55:32 11 A Could you have your client leave the room,
 10:55:44 12 please?

10:55:50 13 Q Okay.

10:55:53 14 MS. DYM KAR: Why don't you leave the room.
 10:55:53 15 (George Smith leaves the room.)

10:55:54 16 Q BY MS. DYM KAR: What's your grandmother's
 10:55:55 17 name?

10:55:57 18 A And I would like to know exactly what any
 10:56:01 19 of this has to do with the case.

10:56:04 20 Q I ask the questions, unfortunately, in the
 10:56:09 21 deposition. I need to know who lives at that location,
 10:56:11 22 because there's been confusion about where you live and
 10:56:15 23 who lives at that location. I want to clarify that once
 10:56:15 24 and for all.

10:56:18 25 So what is your grandmother's name?

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KEITH THORNTON, JR. - June 10, 2013

31

10:56:19 1 MS. PINKSTON: I'm going to object to this
 10:56:21 2 line of questioning. It's not relevant, and the confusion
 10:56:28 3 has been cleared up by the information that was provided
 10:56:28 4 at the very beginning of this deposition, including
 10:56:32 5 showing his California driver's license.

10:56:34 6 And should Mr. Thornton answer any more of
 10:56:37 7 these questions about his family members, we're also going
 10:56:40 8 to be moving for that to be the subject of the protective
 10:56:42 9 order as well.

10:56:44 10 Q BY MS. DYM KAR: Could you tell us your
 10:56:46 11 grandmother's name?

10:56:47 12 A No, ma'am.

10:56:50 13 Q You are refusing?

10:56:55 14 A Yes, I am.

10:56:59 15 Q Who else lives on the second floor?

10:57:01 16 A My grandmother.

10:57:04 17 Q She lives alone?

10:57:06 18 A Grandmother.

10:57:08 19 Q Does she live alone?

10:57:12 20 A Yes, she does.

10:57:16 21 Q Who lives in the first floor apartment?

10:57:20 22 A My mother, my father, my sister,

10:57:22 23 Q That sister being Ebony Marshall?

10:57:29 24 A That's correct.

10:57:33 25 Q Do you own a 2001 Chevy Cavalier?

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KEITH THORNTON, JR. - June 10, 2013

32

10:57:36 1 A I do not.

10:57:37 2 Q Does your father?

10:57:44 3 A Yes, he does.

10:57:47 4 Q And your father, just to clarify that, he
 10:57:50 5 is Keith A. Thornton, Sr.; right?

10:57:52 6 A You repeated that several times. I said
 10:57:55 7 "yes."

10:57:57 8 Q And Deidra Thornton is your mother?

10:58:01 9 A I answered that one as well.

10:58:03 10 Q Is Deidra Thornton your mother?

10:58:03 11 A Answered that question.

10:58:04 12 MS. PINKSTON: It's been asked and
 10:58:07 13 answered.

10:58:07 14 Q BY MS. DYM KAR: Pardon me?

10:58:13 15 A I answer that already, ma'am.

10:58:16 16 Q Do you own a 1998 Ford Expedition?

10:58:21 17 A I own no vehicles, ma'am.

10:58:24 18 Q Have you owned a 1998 Ford Expedition?

10:58:35 19 A No, I have not.

10:58:37 20 Q Okay. I'm going to ask Mr. Smith to come
 10:58:37 21 back in the room.

10:58:44 22 (Mr. Smith enters room.)

10:58:57 23 Q BY MS. DYM KAR: Did you go to Prosser High
 10:58:57 24 School?

10:59:00 25 A Yes, I did.

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KEITH THORNTON, JR. - June 10, 2013

33

10:59:02 1 Q Did you graduate in 2007?

10:59:05 2 A Yes, I did. High honors.

10:59:08 3 Q Are you in college -- I'm sorry. What did

10:59:09 4 you say?

10:59:12 5 A Very high honors.

10:59:14 6 Q Are you in college now?

10:59:17 7 A No, I am not.

10:59:18 8 Q Are you in school now?

10:59:24 9 A No, I am not.

10:59:26 10 Q Are you working now?

10:59:30 11 A Yes, I am.

10:59:33 12 Q Where are you employed?

10:59:36 13 A I don't feel that I need to let that be

10:59:39 14 known.

10:59:42 15 Q You're refusing to answer where you're

10:59:46 16 employed?

10:59:51 17 A Yes, ma'am.

10:59:55 18 Q On what grounds?

11:00:02 19 A There's a client in the room.

11:00:07 20 MS. DYM KAR: Can I ask you to leave?

11:00:09 21 I will ask Mr. Smith to leave again so I

11:00:14 22 can get an answer to my question, Mr. Thornton.

11:00:20 23 (George Smith leaves the room.)

11:00:28 24 Q BY MS. DYM KAR: Where are you employed?

11:00:30 25 A I'm employed by the Los Angeles City Police

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KEITH THORNTON, JR. - June 10, 2013

34

11:00:35 1 Department.

11:00:37 2 Q What's your title?

11:00:40 3 A A police officer.

11:00:44 4 Q How long have you been a police officer?

11:00:48 5 A Since December of last year.

11:00:48 6 Q December?

11:00:49 7 A That is correct.

11:00:53 8 Q Did you say December or Sept -- December of

11:00:56 9 last year?

11:00:58 10 MS. PINKSTON: I just want to make an

11:01:01 11 objection now. I don't know what the laws of California

11:01:05 12 are in terms of his personal identification, but I just

11:01:08 13 want to make an objection as to any applicable California

11:01:13 14 laws regarding his personal identification, if

11:01:16 15 Mr. Thornton is, in fact, a police officer.

11:01:16 16 Go ahead.

11:01:17 17 MS. DYM KAR: Ms. Pinkston, are you -- are

11:01:19 18 you representing Mr. Thornton?

11:01:21 19 MS. PINKSTON: No. But I am an officer of

11:01:24 20 the court, and I believe it's my duty to state that for

11:01:30 21 the record.

11:01:33 22 Q BY MS. DYM KAR: Are you a patrol officer?

11:01:40 23 A Yes, I am.

11:01:44 24 Q To what unit are you assigned?

11:01:50 25 A There is no unit, ma'am.

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KEITH THORNTON, JR. - June 10, 2013

35

11:01:52 1 Q Okay. Are you assigned to a certain
 11:01:53 2 district?
 11:01:54 3 A That is correct.
 11:01:55 4 Q What's the district?
 11:02:01 5 A 18.
 11:02:01 6 Q 18?
 11:02:04 7 A That is correct.
 11:02:11 8 Q Okay. And that is what part of the City of
 11:02:13 9 Los Angeles? Is there a neighborhood that that pertains
 11:02:17 10 to or is referenced by that district?
 11:02:20 11 A That is correct.
 11:02:22 12 Q What is the neighborhood?
 11:02:22 13 A South Central L.A.
 11:02:33 14 Q Were you in school when you and I spoke on
 11:02:38 15 May 4th, 2013?
 11:02:40 16 A That is correct. Yes, I was.
 11:02:45 17 Q Where were you in school?
 11:02:51 18 A Online courses at Concordia University.
 11:02:52 19 Q I'm sorry. You said Concordia?
 11:03:00 20 A That is correct.
 11:03:03 21 Q What are you studying?
 11:03:05 22 A I don't know what I'm studying. Just
 11:03:11 23 studying. I like school. I take random classes.
 11:03:13 24 Q Are you studying journalism?
 11:03:20 25 A No, I am not.

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KEITH THORNTON, JR. - June 10, 2013

36

11:03:22 1 Q And you're not taking classes this summer?
 11:03:25 2 A No, I am not.
 11:03:29 3 Q When will you be back in Chicago?
 11:03:35 4 A No idea. I don't plan on coming back.
 11:03:37 5 Q Did you -- did you indicate to me, when we
 11:03:43 6 spoke on May 4, 2013, that you were likely to come back to
 11:03:46 7 Chicago within a month after school was over?
 11:03:56 8 A After you threatened me.
 11:03:57 9 Q Excuse me. How did -- how did I threaten
 11:03:58 10 you?
 11:04:00 11 A By telling me I -- I -- I had better be in
 11:04:01 12 Chicago.
 11:04:02 13 Q You said that you would be in Chicago
 11:04:09 14 within the month and that was not truthful?
 11:04:13 15 A No, ma'am. It didn't happen.
 11:04:16 16 Q Pardon me?
 11:04:21 17 A I said, ma'am, it did not happen.
 11:04:24 18 Q What -- what didn't happen? I --
 11:04:29 19 A Being able to come to Chicago.
 11:04:31 20 Q I asked you if you would be coming to
 11:04:34 21 Chicago within a month; right?
 11:04:36 22 A You told me to be coming to Chicago.
 11:04:37 23 Q Or -- excuse me. You said you would be
 11:04:40 24 coming within a month --
 11:04:40 25 A Possibly.

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KEITH THORNTON, JR. - June 10, 2013

37

11:04:41 1 Q -- correct?

11:04:45 2 A Possibly.

11:04:47 3 Q And you're saying now that that was not

11:04:48 4 truthful?

11:04:52 5 A I just told you your answer. I said I

11:04:59 6 possibly would be coming to Chicago.

11:05:01 7 Q Have you been to Chicago in the last month?

11:05:07 8 A No, ma'am.

11:05:13 9 Q Have you ever been arrested?

11:05:19 10 A No, ma'am.

11:05:21 11 Q I'm going to ask Mr. Smith to come back in

11:05:23 12 the room.

11:05:55 13 (Mr. Smith enters room.)

11:05:58 14 Q BY MS. DYM KAR: Mr. Thornton, how was this

11:06:03 15 deposition today arranged?

11:06:07 16 A By you, number one, contacting me,

11:06:11 17 threatening me, and sending me all types of e-mails and,

11:06:19 18 then, also communicating with Kristin Pinkston --

11:06:19 19 Q Okay.

11:06:21 20 A -- that I --

11:06:22 21 Q Why was -- I'm sorry.

11:06:26 22 A No. I'm sorry. Continue.

11:06:28 23 Q Why is this deposition taking place in

11:06:32 24 Santa Monica?

11:06:41 25 A Why wouldn't it be?

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KEITH THORNTON, JR. - June 10, 2013

38

11:06:43 1 Q Who chose Santa Monica? Was that you?

11:06:53 2 A I chose Santa Monica.

11:06:55 3 Q Who chose the date June 10th?

11:06:57 4 A I did.

11:07:00 5 Q Why did this deposition have to take place

11:07:01 6 on June 10th?

11:07:04 7 A Because it's my free day and my off day,

11:07:09 8 and I wanted to be here for this, seeing that I cannot be

11:07:22 9 in Chicago.

11:07:24 10 Q Did you have e-mails going back and forth

11:07:29 11 between you and either Ms. Pinkston or Ms. Pasha?

11:07:33 12 A No, ma'am.

11:07:37 13 Q Was all your communication by telephone?

11:07:48 14 A That is correct, ma'am.

11:07:50 15 MS. DYM KAR: I'm wondering, Ms. Wong, if

11:08:01 16 you could mark the affidavit that you have as Exhibit 2.

11:08:10 17 (Exhibit 2 was marked.)

11:08:11 18 THE COURT REPORTER: Okay. It's in front

11:08:12 19 of the witness.

11:08:12 20 MS. DYM KAR: Okay.

11:08:15 21 Q BY MS. DYM KAR: Mr. Thornton, this is a

11:08:19 22 document that purports to be the affidavit of Keith

11:08:21 23 Thornton, Jr.

11:08:21 24 Do you see that?

11:08:24 25 MS. PINKSTON: Counsel, did you bring

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KEITH THORNTON, JR. - June 10, 2013

39

11:08:26 1 copies for defense counsel?

11:08:27 2 MS. DYM KAR: I thought you had it since you
11:08:31 3 drafted it. Sorry.

11:08:31 4 Q BY MS. DYM KAR: Do you have that in front
11:08:34 5 of you, sir, affidavit of Keith Thornton, Jr.?

11:08:35 6 A I do.

11:08:36 7 Q Have you seen that document before?

11:08:38 8 A Yes, ma'am.

11:08:40 9 Q Who prepared that document?

11:08:43 10 A I did. I helped, and I said this is what I
11:08:50 11 wanted to do, and I wanted to do this on the 10th, and I
11:08:57 12 informed Ms. Pinkston how do I send the affidavit and how
11:09:01 13 do I do this affidavit.

11:09:03 14 Q Did you type up this affidavit?

11:09:07 15 A That is correct.

11:09:08 16 Q You typed it up?

11:09:14 17 A That is correct.

11:09:16 18 Q Did Ms. Pinkston tell you what to say?

11:09:19 19 A No, ma'am. But I expressed my concerns to
11:09:26 20 her, and she told me she does not represent me.

11:09:29 21 Q Okay. What is a third-party witness?

11:09:32 22 A A third-party witness?

11:09:32 23 Q Yes.

11:09:36 24 A I don't know, ma'am. I'm not an attorney
11:09:39 25 or a lawyer.

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KEITH THORNTON, JR. - June 10, 2013

40

11:09:43 1 Q Okay. Do you see No. 3 -- Paragraph 3 of
11:09:45 2 this affidavit says, "I am named as a third-party witness
11:09:47 3 in the above-stated matter"?

11:09:47 4 A That's correct.

11:09:48 5 Q Do you see that?

11:09:50 6 A And this same information, when I was
11:09:55 7 living at 4814 West Wabansia, when I went to court for
11:09:59 8 David Wilbon, which was a few years ago, had the exact
11:10:12 9 same information, same case number, same everything.

11:10:15 10 Q When you went to court, the criminal case
11:10:18 11 against David Wilbon had the same case number?

11:10:20 12 A The same name, the same information was on
11:10:24 13 there, that's correct.

11:10:26 14 Q So you got the caption from the criminal
11:10:33 15 case against David Wilbon for which you went to court?

11:10:35 16 A Several -- several different things on that
11:10:43 17 one. I don't have it in front of me, ma'am.

11:10:45 18 Q The caption in this affidavit, where did
11:10:47 19 you get the caption from?

11:10:50 20 A I don't know what "caption" stands for,
11:10:50 21 ma'am.

11:10:54 22 Q Okay. The -- the top part, the first three
11:10:57 23 or four inches of the affidavit, where it has "United
11:11:01 24 States District Court, Northern District of Illinois,
11:11:05 25 Eastern Division," how did you know that was the court

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KEITH THORNTON, JR. - June 10, 2013

41

11:11:09 1 we're in?

11:11:11 2 A That information was relayed by Ms. Kristin

11:11:16 3 Pinkston. She gave me the phone number to call the court.

11:11:20 4 Q So you called the court and -- and you

11:11:22 5 said, "What is the name of the case that I'm a witness

11:11:23 6 in"?

11:11:25 7 A Yes, I did. I gave them my name. I spoke

11:11:28 8 to an assistant, who was a female, and she gave me

11:11:30 9 information.

11:11:36 10 Q Okay. So you said, "I am Keith Thornton,

11:11:37 11 Jr. I'm a witness in a case. I need to know the name of

11:11:38 12 the case"?

11:11:43 13 A The judge and all of that information,

11:11:44 14 ma'am.

11:11:48 15 Q But did you say, "I am Keith Thornton, Jr.

11:11:52 16 I am a witness in a case, and I need to know the name of

11:11:52 17 the case"?

11:11:53 18 A That's correct, ma'am.

11:11:56 19 Q And you're saying the court clerk said to

11:11:59 20 you that, "The name of the case is David D. Wilbon, et

11:12:05 21 al., plaintiffs, versus Joseph M. Plovovich, et al."?

11:12:08 22 A She read out information as I was asking

11:12:10 23 her about the different dates that you were originally

11:12:12 24 sending me e-mails about, and all that information, I was

11:12:24 25 able to get off of there.

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KEITH THORNTON, JR. - June 10, 2013

42

11:12:26 1 Q Now, you said you're not an attorney, so

11:12:30 2 you don't know what a third-party witness is; right?

11:12:30 3 A That's correct.

11:12:33 4 Q So why is -- can you explain to me why this

11:12:38 5 is in your affidavit that you swore to?

11:12:42 6 A Yes, ma'am. Because I sent that --

11:12:42 7 Q Okay. Please --

11:12:44 8 A Will you allow me?

11:12:44 9 Q I'm sorry. What?

11:12:46 10 A Will you allow me?

11:12:48 11 Q You were chopped -- you chopped up. I'm

11:12:49 12 sorry.

11:12:51 13 A You're not chopped up, and I can hear you

11:12:52 14 very well.

11:12:54 15 Q Okay. Well, we can't hear you very well.

11:12:56 16 Obviously, you have -- you've got a much better connection

11:12:59 17 than we do, because we're having -- I'm having difficulty

11:13:00 18 understanding you.

11:13:07 19 A And which part are you questioning, ma'am?

11:13:10 20 Q No. 3 of your affidavit, "I am named as a

11:13:13 21 third-party witness in the above-stated matter." You put

11:13:15 22 that in the affidavit; right?

11:13:17 23 A That's correct.

11:13:20 24 Q Why?

11:13:24 25 A Because that is on the original document

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KEITH THORNTON, JR. - June 10, 2013

43

1 that I received at -- when I did use -- in Chicago.

2 Q You chopped up. "That was in the original
3 document," and then I didn't get the rest. That was in
4 what original document?

5 A The very first -- whatever, 5555 West Grand
6 Avenue, the one that I went to, I received that several
7 years ago, and I know that I am a witness within that
8 case.

9 Q The criminal case?

10 A If that's what it's called, yes, ma'am.

11 Q Paragraph 4 where you say, "I currently
12 reside more than 5-" -- "more than 100 miles outside the
13 city limits of Chicago, Illinois," why you did you say you
14 live more than 100 miles?

15 A Because you spoke to me on the phone and
16 was asking about my whereabouts, and you actually relayed
17 that information over to me indirectly by stating, if you
18 weren't here, you need to verify where I was located. And
19 I asked you if we could do this, what we're doing here
20 today. And you said, "I need to know if you are over
21 these certain amount of miles."

22 Q You're saying that I said to you that you
23 had to be more than 100 miles away from Chicago?

24 A No. You wanted to ver- -- you said -- I
25 don't know what you said, actually. You were just -- a

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KEITH THORNTON, JR. - June 10, 2013

44

1 lot of screaming and a lot of -- a lot of different things
2 you were doing.

3 Q You're saying I was screaming to you over
4 the phone?

5 A Threats on top of your threats and a lot of
6 other things, ma'am.

7 Q No. But you said I was screaming. That
8 means a really loud voice. You said that I was screaming
9 on the --

10 A That's correct, and you --

11 Q -- phone to you?

12 A Yes, ma'am.

13 Q This would be on May 4, 2013?

14 A Whatever day that was. I do not recall,
15 ma'am. It was the only time I spoke to you.

16 Q I would like to ask you about the context
17 you've had with the City of Chicago attorneys. You spoke
18 to two attorneys about a year ago about this -- this civil
19 rights case; right?

20 A That's correct.

21 Q Okay. And you had -- one was an
22 African-American female and one was an Indian-American
23 male --

24 A That's correct.

25 Q -- correct?

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KEITH THORNTON, JR. - June 10, 2013

45

11:16:15 1 And that was -- you came downtown for that
 11:16:16 2 conversation?
 11:16:18 3 A That's correct.
 11:16:19 4 Q When did that take place?
 11:16:24 5 A I do not recall.
 11:16:26 6 Q It was in 2012?
 11:16:30 7 A No, ma'am. I don't believe it --
 11:16:32 8 2011?
 11:16:33 9 A I don't recall the year, but I went down
 11:16:37 10 there, ma'am.
 11:16:39 11 Q It was not 2013?
 11:16:45 12 A No, ma'am.
 11:16:47 13 Q And the attorney, do you recall her name
 11:16:49 14 being Andrea Cook?
 11:16:51 15 A That is correct.
 11:16:55 16 Q Okay. She prepared a statement at that
 11:16:55 17 time?
 11:16:57 18 A I don't know what you mean by "prepared a
 11:17:00 19 statement." She just asked me my story, and I told her my
 11:17:03 20 story, exactly what happened that day.
 11:17:06 21 Q Did you sign a statement? Did you sign a
 11:17:07 22 statement?
 11:17:13 23 A I do not recall.
 11:17:16 24 Q And do you recall telling me on May 4, 2013
 11:17:18 25 that you may have signed a statement at that time --

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KEITH THORNTON, JR. - June 10, 2013

46

11:17:20 1 A Can you repeat that, please?
 11:17:25 2 Q -- when you met with Andrea Cook?
 11:17:26 3 Do you recall telling me on May 4, 2013
 11:17:32 4 that you may have signed a statement prepared by Andrea
 11:17:32 5 Cook?
 11:17:33 6 A 2013, I was not in the City of Chicago
 11:17:35 7 ma'am.
 11:17:40 8 Q When you and I spoke on May 4, 2013, do you
 11:17:43 9 recall telling me that you may have signed a statement
 11:17:45 10 prepared by Andrea Cook?
 11:17:48 11 A She asked me a series of questions, and I
 11:17:50 12 -- just like what you're doing now, and I told her exactly
 11:17:56 13 what happened that day. I do not recall, seeing that it
 11:18:02 14 was so long ago, as I signed anything.
 11:18:05 15 Q You spoke to Andrea Cook for about an hour?
 11:18:08 16 A I would say around that time frame, yes.
 11:18:11 17 Q And you only spoke to her once?
 11:18:18 18 A Yes, ma'am.
 11:18:19 19 Q Do you recall speaking to an investigator
 11:18:27 20 named Rashaun McGee, R-A-S-H-A-U-N, McGee, on February 18,
 11:18:28 21 2012?
 11:18:30 22 A At the time, I didn't know he was an
 11:18:37 23 investigator. He actually acknowledged himself as more of
 11:18:42 24 a police officer with the City of Chicago.
 11:18:43 25 Q Did he say he was an investigator?

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KEITH THORNTON, JR. - June 10, 2013

47

11:18:46 1 A No, he did not. I just told you what he
 11:18:50 2 said. He threatened my family and he told me several
 11:18:54 3 times that he was with the City of Chicago.
 11:18:58 4 Q And you met him in a coffee shop at
 11:19:00 5 Brickyard Mall?
 11:19:02 6 A Did you hear what I just said? Can you
 11:19:06 7 confirm what I just said? Did you hear that part, ma'am?
 11:19:07 8 Q What part, sir?
 11:19:10 9 A The part where he confirmed himself working
 11:19:15 10 for the City of Chicago as a police officer.
 11:19:17 11 Q I understand that that is your opinion of
 11:19:18 12 what he said to you.
 11:19:21 13 A So is that a yes or a no from you, ma'am?
 11:19:23 14 Q You don't get to ask me questions,
 11:19:24 15 unfortunately.
 11:19:25 16 A Excellent.
 11:19:34 17 Q I'm the one asking questions. Okay?
 11:19:35 18 THE COURT REPORTER: Can we go off the
 11:19:37 19 record for a second?
 11:19:37 20 MS. DYM KAR: Sure.
 11:19:38 21 THE VIDEOGRAPHER: We're going off the
 11:30:22 22 record at 11:19 a.m.
 11:30:45 23 (Brief recess.)
 11:30:46 24 THE VIDEOGRAPHER: We're back on the record
 11:30:52 25 at 11:30 a.m.

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KEITH THORNTON, JR. - June 10, 2013

48

11:30:55 1 Q BY MS. DYM KAR: Sorry about that.
 11:31:02 2 Mr. Thornton, Rashaun McGee identified himself as having
 11:31:08 3 been hired by me, Irene Dymkar, did he not?
 11:31:11 4 A No, ma'am.
 11:31:15 5 Q And he talked to you over the phone before
 11:31:17 6 you met in person; is that correct?
 11:31:21 7 A That's correct, ma'am.
 11:31:23 8 Q He gave you his card, didn't he?
 11:31:26 9 A He did not give me a card.
 11:31:27 10 Q Did you ask him for a card?
 11:31:30 11 A No, ma'am. He left a phone number at my
 11:31:33 12 residence.
 11:31:36 13 Q And you con- -- you called that phone
 11:31:36 14 number?
 11:31:38 15 A That is correct.
 11:31:42 16 Q And that was his office number or his cell
 11:31:43 17 phone number?
 11:31:45 18 A I want to say it was a cell phone. He
 11:31:50 19 picked up, and that's who I spoke to.
 11:31:53 20 Q Now, did you speak to Rashaun McGee before
 11:31:59 21 or after you spoke to City Attorney Andrea Cook?
 11:32:01 22 A He was the very first person that I spoke
 11:32:05 23 to before anyone.
 11:32:08 24 Q And then Andrea Cook was the second person
 11:32:09 25 you spoke to regarding this case?

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KEITH THORNTON, JR. - June 10, 2013

49

11:32:14 1 A That's correct.

11:32:17 2 Q You refused to meet with Rashaun McGee

11:32:20 3 after you met with him in the coffee shop; right?

11:32:23 4 A That is correct.

11:32:27 5 Q He asked you to give a statement, a written

11:32:30 6 statement?

11:32:33 7 A That's correct.

11:32:36 8 Q And when you spoke to Mr. McGee in the

11:32:39 9 Brickyard Mall, he was taking notes, wasn't he?

11:32:47 10 A That's correct.

11:32:50 11 Q Now, when you refused to meet with him

11:32:52 12 again, was that before or after you spoke to Attorney

11:32:55 13 Andrea Cook?

11:32:59 14 A That was after I had spoken to her, ma'am.

11:33:01 15 Because she identified herself --

11:33:01 16 Q So you --

11:33:03 17 A -- with the City of Chicago, which is when

11:33:07 18 I met downtown in their office and actually knew that it

11:33:10 19 was someone factual that I was actually speaking to.

11:33:12 20 And considering the fact that he had

11:33:16 21 identified himself with City of Chicago and had lied, I

11:33:18 22 didn't know who I was speaking to. So I'm not going to

11:33:21 23 give a written statement or any type of statement, for

11:33:24 24 that matter, to him ever again.

11:33:28 25 Q After you met with him at the coffee shop,

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KEITH THORNTON, JR. - June 10, 2013

50

11:33:31 1 you went to California for a couple of weeks?

11:33:36 2 A Yes, ma'am.

11:33:37 3 Q And is it when you came back that you met

11:33:40 4 with Andrea Cook?

11:33:48 5 A Yes, ma'am.

11:33:50 6 Q And we've already established, you've

11:33:53 7 spoken to me on the phone once; is that correct?

11:33:57 8 A That's correct. Actually, twice we got --

11:33:58 9 Q On May 4th?

11:33:59 10 A Actually, it was twice. We got

11:34:05 11 disconnected, and either you or I called each other back.

11:34:06 12 Q Okay. But it was really the same

11:34:08 13 conversation. It was just interrupted at the beginning;

11:34:10 14 right?

11:34:13 15 A Not the same conversation. It was two

11:34:15 16 separate conversations.

11:34:25 17 Q They were within minutes of each other?

11:34:25 18 A Within the same hour, ma'am.

11:34:27 19 Q We spoke to each other, there was a

11:34:30 20 disconnection, and then I called you back within a minute

11:34:33 21 or two; correct?

11:34:36 22 A That is correct.

11:34:40 23 Q And we spoke for about an hour?

11:34:42 24 A I would say it was much more than that,

11:34:43 25 ma'am.

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KEITH THORNTON, JR. - June 10, 2013

51

11:34:46 1 Q Okay. And you told me what you knew and
 11:34:50 2 what you had observed on April 10, 2010; right?
 11:34:54 3 A That's correct.
 11:34:59 4 Q Now, you had a telephone call with Attorney
 11:35:03 5 -- City Attorney Dana Pesha in February of this year; is
 11:35:04 6 that correct?
 11:35:06 7 A Yes, ma'am.
 11:35:08 8 Q Now, between the time you spoke to Andrea
 11:35:12 9 Cook and the time you spoke to Andrea -- excuse me, spoke
 11:35:16 10 with Dana Pesha, had you spoken to anybody -- any of the
 11:35:17 11 city attorneys?
 11:35:20 12 A No, ma'am.
 11:35:24 13 Q Did she call you or did you call her?
 11:35:33 14 A She called me.
 11:35:37 15 Q At that 312 number?
 11:35:38 16 A I don't think it was a 312 number, because
 11:35:42 17 I didn't have that number at that time. It was an old
 11:35:47 18 number that I had, which was a 630 number.
 11:35:50 19 Q Do you recall giving me a 630 number?
 11:35:55 20 A I don't -- I do -- yes, I did.
 11:35:57 21 Q And that was an old number?
 11:36:03 22 A Yes, it is.
 11:36:05 23 Q When Dana Pesha called you, how long were
 11:36:07 24 you on the phone --
 11:36:08 25 A Not very long.

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KEITH THORNTON, JR. - June 10, 2013

52

11:36:09 1 Q -- the first time --
 11:36:11 2 A Not very long.
 11:36:13 3 Q Okay. What did she say to you and what did
 11:36:14 4 you say to her?
 11:36:16 5 A She asked me if I ever met with an Andrea
 11:36:23 6 Cook. I said, "Yes," and all she said was, "At that time,
 11:36:27 7 you" -- she just informed me that, I believe, that there
 11:36:32 8 -- that I was still a witness within this case and that --
 11:36:35 9 I don't know the exact words, but the -- it basically
 11:36:42 10 boiled down to your client had made another case against
 11:36:47 11 the officers, and that was that. So I may be contacted.
 11:36:52 12 And that's the only time I ever spoke to Dana Pesha.
 11:36:55 13 Q Did she tell you you would not have to
 11:36:57 14 attend a deposition?
 11:37:01 15 A No, she did not.
 11:37:03 16 Q Did you tell her where you lived?
 11:37:07 17 A No, I did not.
 11:37:10 18 Q Did you talk about whether you would have
 11:37:12 19 to attend a deposition --
 11:37:12 20 A No --
 11:37:12 21 Q -- at that point?
 11:37:15 22 A No, I did not. That conversation never
 11:37:19 23 arose about any deposition.
 11:37:22 24 Q Do you recall telling me on May 4, 2013
 11:37:25 25 that you were told by Ms. Pesha that you would not have to

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KEITH THORNTON, JR. - June 10, 2013

53

11:37:27 1 attend a deposition?

11:37:34 2 A That's incorrect, ma'am.

11:37:36 3 Q Did Ms. Pesha explain to you that there
11:37:42 4 were actually two cases against the police department?

11:37:44 5 A I don't recall.

11:37:46 6 Q Did she tell you that the first case,
11:37:49 7 involving four individuals, had settled with the City of
11:37:49 8 Chicago?

11:37:53 9 A No, she did not.

11:37:57 10 Q What was your understanding regarding --
11:38:00 11 you said something about bringing another case. What was
11:38:02 12 your understanding about what was happening now
11:38:04 13 regarding --

11:38:07 14 A Because I was a little confused as to -- I
11:38:10 15 knew that I had been subpoenaed several years ago for the
11:38:13 16 actual David Wilbon. And I showed up, as mentioned, at
11:38:20 17 5555 West Grand. So that was one case, for my knowledge.

11:38:22 18 And upon her saying it was another reopened
11:38:25 19 case, I said, "Well, that was already handled several
11:38:31 20 years ago." She said, "No. There is another case."

11:38:33 21 Q And you were talking about the criminal
11:38:37 22 case for which you came to court?

11:38:41 23 A That is correct.

11:38:43 24 Q Did she explain to you that this was a
11:38:44 25 civil case?

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KEITH THORNTON, JR. - June 10, 2013

54

11:38:46 1 A She did tell me that they were two separate
11:38:55 2 cases, yes, ma'am.

11:38:57 3 Q Did you ever under -- come to understand or
11:39:01 4 learn that there was a case involving four other people,
11:39:03 5 four other African-American men?

11:39:07 6 A I learned that way back during the criminal
11:39:11 7 case, when I went down to court and they put up my
11:39:15 8 information, and they said -- they listed everyone who was
11:39:25 9 on that case, yes, ma'am.

11:39:27 10 Q But you only came to court as a witness
11:39:29 11 against David Wilbon; right?

11:39:33 12 A That is correct.

11:39:36 13 Q And you knew that our investigator -- or a
11:39:40 14 different investigator came to your family home at
11:39:43 15 4814 West Wabansia several times in February of this year;
11:39:45 16 right?

11:39:46 17 A That is correct. An investigator from
11:39:48 18 where, I did not --

11:39:49 19 Q You spoke to -- pardon me?

11:39:51 20 A An investigator from where, I did not
11:39:57 21 know. It was just an individual identifying himself to
11:40:02 22 have a check for Mr. Keith Thornton, Jr., and "I need to
11:40:07 23 give him his check." That's all he said.

11:40:09 24 Q Did you tell Ms. Pesha that an investigator
11:40:15 25 had come to your home with a check?

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KEITH THORNTON, JR. - June 10, 2013

55

11:40:17 1 A Don't recall.

11:40:18 2 MS. PINKSTON: Objection. Mischaracterizes

11:40:22 3 his testimony.

11:40:23 4 THE WITNESS: No, ma'am.

11:40:23 5 Q BY MS. DYM KAR: Pardon me?

11:40:26 6 A I do not recall telling her that. It was a

11:40:32 7 very quick conversation with Dana Pesha.

11:40:39 8 Q Since that conversation in February, have

11:40:41 9 you spoken to anybody in the City Attorney's Office?

11:40:41 10 A I spoke to Chris --

11:40:41 11 Q You said that you have not spoke -- sorry.

11:40:41 12 Go ahead.

11:40:47 13 A Thank you. I spoke to Kristin Pinkston,

11:40:49 14 ma'am.

11:40:51 15 Q When did you first speak to her?

11:40:54 16 A Probably along the same times of -- after

11:40:58 17 speaking to Dana Pesha.

11:40:59 18 Q Okay. And that was in February of this

11:41:00 19 year?

11:41:03 20 A I don't recall the specific date, but it

11:41:06 21 was this year, yes, ma'am.

11:41:08 22 Q Okay. Was it close in time to your

11:41:11 23 conversation with Dana Pesha?

11:41:16 24 A I just said yes, ma'am.

11:41:17 25 Q How many times have you spoken to Kristin

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KEITH THORNTON, JR. - June 10, 2013

56

11:41:23 1 Pinkston by phone?

11:41:25 2 A I don't recall the exact number, but I

11:41:32 3 would say somewhere between five to ten times that I've

11:41:35 4 called her.

11:41:37 5 Q And why have you called her five to ten

11:41:38 6 times?

11:41:40 7 A Asking her if there were people coming from

11:41:43 8 the City, knocking on my door, claiming that they were

11:41:47 9 going to give me a check and threatening my family,

11:41:51 10 because I don't know who they were, and she said there was

11:41:52 11 no one from --

11:41:52 12 Q Okay. And --

11:41:54 13 A Excuse me. She said there was no one ever

11:41:58 14 coming from the City of Chicago, which led me to believe

11:42:01 15 this was the same type of incident that was taking place

11:42:05 16 as the person you said you hired, the investigator, who

11:42:12 17 did the same nonsense several years ago.

11:42:15 18 Q What was the threat that was made by this

11:42:20 19 person -- by this investigator with the check in February

11:42:24 20 of this year?

11:42:30 21 A To my sister, who is Ebony Marshall, "I

11:42:34 22 need to speak to Keith Thornton, who I know lives here.

11:42:37 23 So you need to give him" -- "you need to have him come

11:42:41 24 down here right now," after them informing you -- and this

11:42:45 25 is after I've actually spoken to you several times, to

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KEITH THORNTON, JR. - June 10, 2013

57

11:42:47 1 say, "I do not reside in that location," and them coming
 11:42:51 2 to the door every other day saying the same thing, "I need
 11:42:54 3 to give him a check. And if you guys do not give me his
 11:42:59 4 information, then he will be sued," and every -- all types
 11:43:03 5 of other things. "He'll be arrested. He'll have a fine.
 11:43:05 6 He'll go to jail."

11:43:08 7 Q Okay. So you're saying that the person who
 11:43:12 8 came to your house -- do you recognize the name David
 11:43:13 9 Harris?

11:43:15 10 A I don't know that name. All I know is it
 11:43:17 11 was a person that came to the door.

11:43:19 12 Q So you're saying he said you would be sued,
 11:43:22 13 you would be arrested, you would be thrown in jail if you
 11:43:26 14 didn't take the check and the papers he had?

11:43:32 15 A I wasn't at the residence, ma'am, and
 11:43:34 16 it's --

11:43:35 17 Q So who --

11:43:35 18 A -- it's --

11:43:35 19 Q -- who's telling --

11:43:35 20 A -- it's --

11:43:36 21 Q -- who's telling you that there was a
 11:43:39 22 threat?

11:43:41 23 A Who's saying that it's a threat?

11:43:41 24 Q That was -- yes.

11:43:43 25 A I'm saying that it's a threat, because I

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KEITH THORNTON, JR. - June 10, 2013

58

11:43:52 1 spoke to my sister.

11:43:53 2 Q Okay. So you're saying it was Ebony
 11:43:56 3 Marshall who said that the investigator who came with a
 11:44:03 4 check for you said that you would (inaudible)?

11:44:04 5 A Can you repeat that?

11:44:06 6 MS. PINKSTON: Objection to the extent it
 11:44:08 7 mischaracterizes his testimony.

11:44:08 8 Go ahead.

11:44:09 9 Q BY MS. DYM KAR: I'm trying to understand
 11:44:14 10 where you -- how you arrived at the belief that someone
 11:44:18 11 threatened.

11:44:20 12 A It's harassment and it's threatening to
 11:44:23 13 come to a residence. Okay? To continuously keep doing it
 11:44:26 14 and to never identify yourself as who you are, but to say,
 11:44:30 15 "I have a check for Mr. Thornton." And since he does not
 11:44:33 16 live here, to continuously keep coming back and say,
 11:44:35 17 "Well, if you don't get this information that I need, he's
 11:44:39 18 going to be in big trouble. He's going to be going to
 11:44:41 19 jail. He's going to be doing all types of different
 11:44:43 20 things." That's a threat.

11:44:46 21 Q Okay. So your sister, Ebony Marshall, told
 11:44:51 22 you that the investigator who came to the door with a
 11:44:53 23 check said that you would be arrested and thrown in jail
 11:44:58 24 if you didn't accept the check and the papers he had?

11:45:16 25 A That is correct.

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KEITH THORNTON, JR. - June 10, 2013

59

11:45:18 1 Q Do you recall your conversation with me on
 11:45:22 2 May 14, the conversation that lasted for more than an
 11:45:24 3 hour, that you said you didn't understand why somebody was
 11:45:26 4 paying you for your testimony?

11:45:31 5 A That's correct.

11:45:32 6 Q And do you remember I told you that the \$45
 11:45:35 7 was (inaudible) --

11:45:37 8 A You're breaking up, ma'am.

11:45:38 9 Q -- as a witness fee?

11:45:43 10 A You're breaking up. I'm sorry.

11:45:46 11 Q Do you recall when you said, "I don't know
 11:45:50 12 why someone is trying to pay me for my testimony," I told
 11:45:56 13 you, "We are required to give you a witness fee and
 11:46:00 14 transport fee of \$45"?

11:46:02 15 A That's correct. You told me the -- the
 11:46:05 16 second time, the second conversation, that second
 11:46:08 17 disconnected call, you did inform me of that towards the
 11:46:12 18 end of the conversation.

11:46:14 19 Q And that -- those conver- -- those two
 11:46:17 20 conversations, once again, we are talking about the two
 11:46:21 21 conversations you and I had on May 4 of this year that was
 11:46:34 22 interrupted by -- a few minutes after we were cut off;
 11:46:34 23 right?

11:46:47 24 A Yes.

11:46:50 25 Q When you spoke to Ms. Pinkston five or ten

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KEITH THORNTON, JR. - June 10, 2013

60

11:46:59 1 times, you said all those phone calls were initiated by
 11:46:59 2 you?

11:46:59 3 A Yes, they were.

11:46:59 4 MS. PINKSTON: Objection. Attorney-client.

11:46:59 5 Go ahead.

11:47:01 6 Q BY MS. DYM KAR: Did you ask Ms. Pinkston
 11:47:04 7 for advice on what to do with plaintiff's money to
 11:47:05 8 subpoena you for a deposition?

11:47:07 9 A You have to repeat that question because
 11:47:12 10 you broke up.

11:47:17 11 Q Were you asking Ms. Pinkston for
 11:47:25 12 (inaudible)? Did you hear me, sir?

11:47:33 13 A We cannot hear you at all.

11:47:45 14 Q You cannot hear me at all. Okay. We're
 11:47:57 15 going to get some assistance.

11:47:58 16 THE COURT REPORTER: Do you want to go off
 11:47:59 17 the record?

11:47:59 18 MS. PINKSTON: Yeah.

11:48:01 19 THE VIDEOGRAPHER: This is the end of Media
 11:48:07 20 No. 1 in the deposition of Mr. Keith Thornton. We're off
 11:48:09 21 the record, and the time is 11:48 a.m.

11:53:21 22 (Brief recess.)

11:54:02 23 THE VIDEOGRAPHER: We are back on the
 11:54:06 24 record at 11:54 a.m. This marks the beginning of
 11:54:12 25 Videotape No. 2 in the deposition of Keith Thornton.

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KEITH THORNTON, JR. - June 10, 2013

61

11:54:12 1 MS. DYM KAR: Okay. Thank you.

11:54:14 2 Q BY MS. DYM KAR: My last question to you
11:54:19 3 Mr. Thornton was, when you called the city attorney five
11:54:24 4 or ten times, was that to get advice on what to do
11:54:28 5 regarding the subpoena that plaintiffs were trying to
11:54:30 6 serve on you?

11:54:32 7 MS. PINKSTON: Objection, form. Go ahead.

11:54:34 8 THE WITNESS: My questions to Ms. Pinkston,
11:54:37 9 when I talked to her all several of those times, were,
11:54:42 10 No. 1, who were the individuals that were coming to my
11:54:46 11 family's home. And that was several conversations,
11:54:51 12 because it happened several times, and what type of case
11:54:58 13 was this. And, then, No. 3, what information -- what
11:55:01 14 would I have to do, considering that I do not reside
11:55:05 15 within the City of Chicago or Illinois, which I referred
11:55:08 16 to her several times.

11:55:09 17 Q BY MS. DYM KAR: Okay. So you were calling
11:55:12 18 her for advice; right?

11:55:12 19 A Not --

11:55:13 20 MS. PINKSTON: Objection. Mischaracterizes
11:55:16 21 testimony.

11:55:18 22 THE WITNESS: I was clarifying, if that was
11:55:23 23 from the City of Chicago, who was coming to my house.

11:55:24 24 Q BY MS. DYM KAR: And did you ask her what
11:55:25 25 you should do?

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KEITH THORNTON, JR. - June 10, 2013

62

11:55:33 1 A No, I did not.

11:55:35 2 Q How did you know to call the Ms. Pinkston?

11:55:38 3 A The same office that Ms. Dana Pesha called
11:55:45 4 me from, that's the same number that I called.

11:55:49 5 Q Your understanding is that that -- these
11:55:52 6 attorneys were representing the police officers in this
11:55:52 7 case?

11:55:55 8 A That's correct.

11:56:00 9 Q Did you tell Ms. Pinkston that you were --
11:56:01 10 what your -- what your employment was in?

11:56:05 11 A I told them nothing. I told them the same
11:56:16 12 thing I told you, no address, no work, no anything.

11:56:19 13 Q Do you recall telling me when we spoke on
11:56:24 14 May 4, 2013 that you were in school on the West Coast?

11:56:27 15 A I didn't say on the West Coast.

11:56:28 16 Q Do you recall that you said you were in
11:56:29 17 school?

11:56:32 18 A I did say in school. Yes, I did.

11:56:36 19 Q And the "in school" is this online course
11:56:37 20 that you were taking?

11:56:41 21 A That's correct.

11:56:47 22 Q And am I correct, online course, that is a
11:56:50 23 course you can take at any location as long as you have a
11:56:50 24 computer?

11:56:54 25 A That's correct.

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KEITH THORNTON, JR. - June 10, 2013

63

11:56:56 1 Q Had you ever been sued?

11:57:03 2 A No, ma'am.

11:57:05 3 Q Starting from when you finished high

11:57:11 4 school, could you tell me where you've been employed?

11:57:13 5 A Could you repeat that question?

11:57:15 6 Q You graduated from high school; right?

11:57:20 7 A Yes, I did.

11:57:23 8 Q Okay. Did you attend any college while you

11:57:24 9 were in Chicago?

11:57:28 10 A I went to a few colleges, yes.

11:57:29 11 Q And what were the few colleges you went to?

11:57:34 12 A I went to Malcolm X College. I went to

11:57:37 13 Wright College, Truman College. They're all city

11:57:40 14 colleges. I've done online classes, so I don't know if

11:57:43 15 you would actually say that I was at, actually, all of

11:57:46 16 those facilities because some of those were online

11:57:52 17 classes. I've gone to Oakton College and Concordia

11:57:54 18 University.

11:57:59 19 Q Did you receive any associate's degree or

11:58:00 20 certificate?

11:58:02 21 A Not as of yet.

11:58:04 22 Q What did you study at these various

11:58:06 23 colleges?

11:58:15 24 A General studies.

11:58:17 25 Q After you graduated from high school,

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KEITH THORNTON, JR. - June 10, 2013

64

11:58:26 1 before you went to the current location, where were you

11:58:27 2 employed?

11:58:32 3 A Oh, boy. I had a few different jobs.

11:58:38 4 Craig Therapeutics, which is a driving company, Medex

11:58:53 5 Ambulance Company, Superior Ambulance Company. That's all

11:58:57 6 I can recall as of now. I had a few different jobs.

11:58:58 7 Q Were these temporary jobs?

11:58:59 8 A They were.

11:59:02 9 Q Were they through a temporary agency?

11:59:04 10 A I don't know what "temporary agency" stands

11:59:05 11 for.

11:59:07 12 Q Did someone find a job for you? Did you

11:59:08 13 work through an agency?

11:59:15 14 A No, ma'am.

11:59:17 15 Q What caused you to move to your current

11:59:19 16 location?

11:59:24 17 A I'm a police officer, ma'am.

11:59:27 18 Q Why did you move from Chicago?

11:59:30 19 A Because that's who hired me, and this is

11:59:37 20 where I wanted to come for my career.

11:59:43 21 Q You had previously intended to be a

11:59:43 22 fireman; is that correct?

11:59:45 23 A No, ma'am. I did firefighting as a

11:59:50 24 volunteer for a number of years.

11:59:52 25 Q Throughout high school; correct?

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KEITH THORNTON, JR. - June 10, 2013

65

11:59:55 1 A Throughout elementary and high school.

11:59:58 2 Q And you logged a large number of hours

12:00:00 3 volunteering for the fire department?

12:00:04 4 A I did community service, over 15,000 hours

12:00:06 5 of community service, that's correct.

12:00:08 6 Q And that was at the fire department; right?

12:00:12 7 A That was with the fire department and other

12:00:15 8 community service places, yes.

12:00:20 9 Q It was primarily the fire department at

12:00:23 10 Pulaski, 1800 North Pulaski.

12:00:25 11 A Not just there. It was a lot of different

12:00:27 12 places all across the city, ma'am.

12:00:30 13 Q Did you ever work at the fire station at

12:00:31 14 1747 North Pulaski?

12:00:33 15 A That is correct.

12:00:35 16 Q That's Engine 76?

12:00:35 17 A Yes, ma'am.

12:00:40 18 Q And did you work for Captain Frank Cambria?

12:00:41 19 A Yes, I did.

12:00:43 20 Q Was it not your intention, when you were in

12:00:47 21 high school and thereafter, to be a firefighter?

12:00:52 22 A I wanted to be in public safety.

12:00:58 23 Q Did you intend to be a firefighter?

12:01:00 24 A When I was younger, I wanted to be a

12:01:03 25 firefighter or police officer or paramedic.

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KEITH THORNTON, JR. - June 10, 2013

66

12:01:08 1 Q Do you recall talking to me on May 4, 2013

12:01:11 2 and saying that you wanted to be a firefighter?

12:01:14 3 A When I was younger.

12:01:16 4 Q Did you not say that you were waiting to

12:01:19 5 come back to Chicago to be a firefighter?

12:01:29 6 A No, I did not.

12:01:30 7 Q Do you recall telling me that you were

12:01:32 8 studying journalism?

12:01:34 9 A No. You said that you read one of my

12:01:38 10 articles that was published by the Chicago Tribune, and

12:01:42 11 you said, "It says here, in the article, that years ago

12:01:46 12 you were supposed to do broadcast journalism." That's

12:01:50 13 what you told me.

12:01:52 14 Q And you don't -- so you're saying that you

12:01:55 15 did not say that you're studying journalism now?

12:01:58 16 A I did not say that. I've taken a lot of

12:02:01 17 different classes. Some have been journalism classes,

12:02:04 18 some have been math classes. But there's no specific

12:02:06 19 degree for your journalism.

12:02:09 20 Q Did you ever take the firefighter's exam?

12:02:14 21 A No, I did not.

12:02:15 22 Q Did you continue volunteering at the fire

12:02:17 23 station after high school?

12:02:25 24 A Yes, I did.

12:02:29 25 Q On May -- excuse me. April 10, 2010, were

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KEITH THORNTON, JR. - June 10, 2013

67

12:02:31 1 you employed at that time?

12:02:34 2 A Can you repeat that -- that date?

12:02:38 3 Q April 10, 2010, were you employed?

12:02:40 4 A I can't recall that. I don't have that

12:02:44 5 information, but I was never -- there was only very few

12:02:48 6 times in my life where I've been unemployed, I didn't have

12:02:50 7 -- either working as a student or doing something. So I

12:02:54 8 would say I was employed.

12:02:57 9 Q And when I refer to April 10, 2010, I'm --

12:03:01 10 I'm referring to the early morning hours that this

12:03:02 11 incident occurred. Okay?

12:03:05 12 A Yes, ma'am.

12:03:13 13 Q Starting the day before, on April 9, 2010,

12:03:16 14 starting at about noon that day, what were you doing?

12:03:20 15 A I don't recall.

12:03:25 16 Q Do you recall that that -- the day of the

12:03:27 17 arrest that this is -- that this case is based on, on

12:03:31 18 April 10, was a Saturday?

12:03:34 19 A Yes, ma'am.

12:03:36 20 Q The afternoon of April 9, 2010, what were

12:03:37 21 you doing?

12:03:39 22 A I do not recall.

12:03:42 23 Q You were 21 years old at the time?

12:03:45 24 A If that adds up to that, yes, ma'am.

12:03:48 25 Q Well, let's try to figure it out. April 10

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KEITH THORNTON, JR. - June 10, 2013

68

12:03:59 1 2010, do you think you were 21?

12:04:00 2 A I would say so.

12:04:02 3 Q Were you in school at the time?

12:04:05 4 A April, I would say I was in school.

12:04:06 5 Q Where?

12:04:09 6 A I don't know where. I had -- I would say

12:04:15 7 City College of Chicago.

12:04:17 8 Q Could you tell us what you were doing the

12:04:20 9 evening of April 9, 2010?

12:04:23 10 A The evening? No, I could not. I don't

12:04:27 11 recall that, ma'am.

12:04:30 12 Q At approximately 1:00 or 2:00 a.m. on April

12:04:33 13 10, 2010, what were you doing then?

12:04:38 14 A I was coming from a gas station.

12:04:41 15 Q Had you come from home to go to the gas

12:04:42 16 station?

12:04:44 17 A Yes, I did.

12:04:49 18 Q And your home is 4814 West Wabansia; right?

12:04:49 19 A That's correct.

12:04:53 20 Q Did you have a fire department radio in

12:04:54 21 your car?

12:04:55 22 A No, I did not.

12:04:57 23 Q Did you have a police radio in your car?

12:05:02 24 A No, I did not.

12:05:07 25 Q What kind of car were you driving?

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KEITH THORNTON, JR. - June 10, 2013

69

12:05:10 1 A A Camry at the time.

12:05:11 2 Q Is that a car you owned?

12:05:16 3 A I did not own that. My father owned the

12:05:17 4 vehicle.

12:05:20 5 Q What year Camry?

12:05:23 6 A I don't recall ma'am. I would tell you

12:05:27 7 messed-up information. I don't recall the year. Maybe --

12:05:29 8 it was in the '90s.

12:05:31 9 Q What color was it?

12:05:38 10 A It was a white car.

12:05:40 11 Q You went to Melrose Park to get gas?

12:05:41 12 A That's correct.

12:05:44 13 Q Why did you go to Melrose Park to get gas?

12:05:46 14 A Because that's where I always go, because

12:05:49 15 it's the cheapest gas.

12:05:52 16 Q How many miles, if you know, is that from

12:05:55 17 your home at 4814 West Wabansia?

12:05:57 18 A I have no idea, ma'am.

12:06:00 19 Q It's several miles, is it not?

12:06:03 20 A It's a few miles.

12:06:05 21 Q What were you doing just before you left

12:06:09 22 home to go to Melrose Park to get gas?

12:06:10 23 A I was at my house.

12:06:12 24 Q What were you doing at your house?

12:06:13 25 A I don't recall what I was doing at my

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KEITH THORNTON, JR. - June 10, 2013

70

12:06:20 1 house. I was at my house, ma'am, getting ready to go.

12:06:24 2 Q You went to Melrose Park to get gas. Do

12:06:25 3 you know what route you took?

12:06:28 4 A To get gas? I took -- I don't know

12:06:34 5 specifically, but I'm quite sure I took -- I don't know

12:06:37 6 what street that -- the gas station is on. It's in

12:06:44 7 Melrose Park.

12:06:46 8 Q What major street is it near?

12:06:53 9 A Cicero would be one street.

12:06:55 10 Q You said Cicero in the City of Chicago?

12:06:59 11 A Yes, it is. That's where I started from.

12:07:02 12 Q Okay. Your home at 4814 West Wabansia is

12:07:05 13 right at -- it's right near the corner of Cicero and

12:07:07 14 Wabansia, correct?

12:07:07 15 A That's correct.

12:07:10 16 Q So you took Cicero to what street?

12:07:13 17 A I don't recall what route I went there.

12:07:16 18 Q What major street was the gas station on?

12:07:21 19 A The major street was North Avenue.

12:07:23 20 Q And it was North Avenue and -- and what, is

12:07:24 21 the gas station --

12:07:26 22 A I have no idea what the streets are in

12:07:28 23 Melrose Park.

12:07:30 24 Q Had you been to this gas station before?

12:07:33 25 A I go there all the time when I was in

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KEITH THORNTON, JR. - June 10, 2013

71

12:07:39 1 Chicago. Everybody does within that area, because it's
 12:07:41 2 very cheap.
 12:07:43 3 Q What kind of a gas station is it? What
 12:07:46 4 brand?
 12:07:55 5 A I don't recall.
 12:07:58 6 Q Did you go west on North Avenue to get to
 12:07:58 7 the gas station?
 12:08:00 8 A Did I go west?
 12:08:00 9 Q Yeah.
 12:08:03 10 A Yes, I did.
 12:08:08 11 Q So you went to Cicero, turned north --
 12:08:10 12 excuse me.
 12:08:13 13 Wabansia is north of North Avenue; right?
 12:08:16 14 A Can you repeat that?
 12:08:18 15 Q Wabansia runs parallel to North Avenue, and
 12:08:22 16 it's north of North Avenue; right?
 12:08:22 17 A That's correct.
 12:08:28 18 Q So you went east to Cicero and south to
 12:08:32 19 North, and then west on North?
 12:08:34 20 A And west on North.
 12:08:38 21 Q And do you know whether the gas station --
 12:08:42 22 you said the gas station is on North Avenue?
 12:08:48 23 A That's correct.
 12:08:51 24 Q Where did you go after you got gas?
 12:08:54 25 A Where did I go when I got gas? I was

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KEITH THORNTON, JR. - June 10, 2013

72

12:09:01 1 heading to the firehouse.
 12:09:04 2 Q And that's the firehouse at 1747 North
 12:09:05 3 Pulaski?
 12:09:06 4 A Yes, it would have been.
 12:09:07 5 Q Why were you going there?
 12:09:10 6 A Because I was going to volunteer. The guys
 12:09:14 7 are usually up around that time, and I simply wanted to go
 12:09:19 8 there for my -- just to go there, as I always had.
 12:09:21 9 Q Were you on a schedule for your
 12:09:23 10 volunteering at the fire station?
 12:09:26 11 A They work one day on and two days off, but
 12:09:30 12 I would go -- it didn't depend on what shift. I would
 12:09:33 13 always go there just to volunteer. If it was an off day
 12:09:35 14 from school or if I wasn't working or if I wasn't busy
 12:09:38 15 with my family, I would go and volunteer within the
 12:09:41 16 community and at a firehouse. That was an off time for
 12:09:47 17 me. That was my Saturday, and that's when I was going.
 12:09:49 18 Q Were you on any schedule with the fire
 12:09:50 19 department?
 12:09:52 20 A No, I was not.
 12:09:55 21 Q Did they know you were coming?
 12:09:57 22 A I'm quite sure they probably didn't. I
 12:10:00 23 just came when I felt like it.
 12:10:02 24 Q What were your duties at the fire
 12:10:03 25 department?

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KEITH THORNTON, JR. - June 10, 2013

73

12:10:08 1 A Pretty much opening the doors, helping out,
 12:10:15 2 dishes, cleaning, that type of ordeal.
 12:10:19 3 Q So when you left the gas station, did you
 12:10:23 4 go east on North Avenue?
 12:10:25 5 A I went down to the Main Street. I don't
 12:10:33 6 recall the street, if it were Augusta or Division.
 12:10:37 7 Q The gas station -- am I right with the
 12:10:40 8 address, that it's 1747 North Pulaski?
 12:10:42 9 A That's correct.
 12:10:43 10 Q The fire department?
 12:10:44 11 A That's correct.
 12:10:45 12 Q That means it's north of North Avenue;
 12:10:47 13 correct?
 12:10:48 14 A That's correct.
 12:10:50 15 Q Okay. So why didn't you go east on North
 12:10:59 16 Avenue after Pulaski?
 12:11:01 17 A Because I simply didn't want to.
 12:11:04 18 Q That was a more -- most direct route;
 12:11:04 19 right?
 12:11:06 20 A I mean, there are -- you could have all
 12:11:09 21 types of direct routes, but it's the way that I wanted to
 12:11:12 22 go. I like driving, and that's what I did.
 12:11:17 23 Q So my question to you is whether the direct
 12:11:23 24 route to the fire station at 1747 North Pulaski would have
 12:11:26 25 been for you to go east on North Avenue.

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KEITH THORNTON, JR. - June 10, 2013

74

12:11:27 1 MS. PINKSTON: Objection. Asked and
 12:11:31 2 answered and foundation.
 12:11:33 3 THE WITNESS: I just answered that, ma'am.
 12:11:38 4 And, no, there would have been an even more direct route.
 12:11:39 5 I could have went to Grand Avenue, took Grand down and
 12:11:42 6 arrived right at that location, or Armitage Avenue.
 12:11:44 7 There's a number of different routes that you can get to
 12:11:48 8 where you want to go. That's just --
 12:11:51 9 MS. DYM KAR: Okay. I'm going to mark one
 12:11:58 10 of the maps that's there. I don't know if the -- the
 12:11:59 11 court reporter -- it's -- it's a map that -- that shows
 12:12:05 12 the Eisenhower Expressway. I would mark that as -- this
 12:12:42 13 would be Exhibit 3.
 12:12:44 14 THE COURT REPORTER: Okay. Hold on.
 12:12:44 15 (Exhibit 3 was marked.)
 12:12:44 16 THE COURT REPORTER: All right.
 12:12:46 17 Q BY MS. DYM KAR: I want you to take a look
 12:12:49 18 at Exhibit 3, which is a Google map of the area we've been
 12:12:55 19 talking about.
 12:12:58 20 Is this map -- it is familiar to you,
 12:12:59 21 right, this area?
 12:13:01 22 A Yes, it is.
 12:13:01 23 Q Okay. And --
 12:13:02 24 MS. PINKSTON: I'm just going to make a
 12:13:07 25 standing objection to Exhibit 3 on the basis of time. It

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KEITH THORNTON, JR. - June 10, 2013

75

12:13:11 1 was printed on June 9, 2013, and the incident date was
 12:13:14 2 April 10, 2010, and we just don't have any foundation that
 12:13:19 3 this is similar to what it was at the incident date.

12:13:21 4 Go on. Thank you.

12:13:22 5 Q BY MS. DYM KAR: All right. I want you to
 12:13:25 6 take a look at West North Avenue on this map. Is that
 12:13:30 7 where West North Avenue was on February 10 -- excuse me --
 12:13:32 8 April 10, 2010?

12:13:36 9 A I would say it is, ma'am. Yes, it is.

12:13:39 10 Q All right. So what you've been talking
 12:13:45 11 about, as far as where you went for gas, would have been
 12:13:47 12 actually west on North Avenue, to the -- to the left part
 12:13:50 13 of this map we have; right?

12:13:51 14 A That would be west.

12:14:00 15 Q Okay. West of Thatcher Woods?

12:14:02 16 A Say that last part.

12:14:03 17 Q West of Thatcher.

12:14:04 18 A That's correct.

12:14:06 19 Q And when you came from the gas station, you
 12:14:16 20 were going east on North Avenue, and the gas -- excuse me
 12:14:17 21 -- the fire department --

12:14:20 22 A That's incorrect.

12:14:22 23 Q Excuse me. Did you -- did you go east on
 12:14:23 24 North Avenue at all?

12:14:27 25 A No, I did not. Maybe pulling out of the

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KEITH THORNTON, JR. - June 10, 2013

76

12:14:30 1 gas station, but I came down Division Street. Now that
 12:14:33 2 I'm looking at this map, it was Division.

12:14:37 3 Q So how was your route? You were on West
 12:14:40 4 North Avenue, and you were headed towards 1747 North
 12:14:41 5 Pulaski?

12:14:42 6 A That's correct.

12:14:44 7 Q How did you get on Division Street?

12:14:47 8 A I would say by pulling out of the gas
 12:14:50 9 station, going south on whatever street that was to
 12:14:55 10 Division, coming back east, down Division.

12:14:57 11 Q Okay. Do you know what -- what north-south
 12:14:58 12 street you went down?

12:15:01 13 A I told you I don't know the streets in the
 12:15:03 14 suburbs. I just don't know them.

12:15:08 15 Q Okay. Well, looking at this map, was it
 12:15:10 16 1st Avenue?

12:15:11 17 A I don't know.

12:15:11 18 MS. PINKSTON: Objection. He -- this is
 12:15:14 19 asked and answered in terms of what his memory is. So at
 12:15:16 20 this point in time, I guess I'm going to make an objection
 12:15:22 21 as to speculation.

12:15:22 22 Q BY MS. DYM KAR: Sir?

12:15:24 23 A I just answered that question. I do not
 12:15:26 24 know, ma'am. I don't recall.

12:15:29 25 Q When you headed south, was it east or west

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KEITH THORNTON, JR. - June 10, 2013

77

12:15:32 1 of Thatcher?

12:15:36 2 A When I headed south -- can you repeat that?

12:15:39 3 Q When you headed south from North Avenue,

12:15:42 4 was it east or west of Thatcher?

12:15:46 5 A I don't know where Thatcher Woods begins or

12:15:47 6 ends.

12:15:49 7 Q Do you see Thatcher Woods on -- on this

12:15:54 8 map?

12:15:58 9 A I would say it's west of there. I don't

12:16:00 10 even recall the Woods.

12:16:04 11 Q Okay. And you -- you went south and then

12:16:05 12 you went east on Division?

12:16:11 13 A That is correct.

12:16:13 14 Q Did you intend to stop at home before you

12:16:14 15 went to the fire station?

12:16:17 16 A No, I did not. I was going -- if -- if I

12:16:23 17 had to go there, if they called me, I would go. Maybe

12:16:25 18 I'll ride past, but that's -- I wanted to go to the

12:16:28 19 firehouse to see how the -- the guys were doing over

12:16:28 20 there.

12:16:31 21 Q When you left home, was anybody awake at

12:16:32 22 your home?

12:16:38 23 A I'm quite sure they were. I can't recall.

12:16:44 24 Q So you were going east on Division. You're

12:16:48 25 sure it was not Augusta. I heard you say something about

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KEITH THORNTON, JR. - June 10, 2013

78

12:16:49 1 Augusta.

12:16:52 2 A Yeah. Now that I'm looking at a map, I

12:16:55 3 don't know if it was Augusta or Division, but it was the

12:16:59 4 closest street to where this incident took place. So if

12:17:03 5 the incident is at 1320 North Menard, from what I'm

12:17:07 6 looking at at this map, it would be Division that I was

12:17:16 7 on, because that was the absolute main street I was on.

12:17:17 8 Q In your -- the number of years that you

12:17:25 9 lived at 4814 West Wabansia, you were familiar with

12:17:26 10 Division and Augusta?

12:17:27 11 A No.

12:17:29 12 Q You had been on them several times?

12:17:32 13 A No, no, not at all. And as you can see, me

12:17:35 14 and my entire family, we go outside of the City. I'm

12:17:37 15 living out of the City, because it's -- it's just where I

12:17:42 16 grew up and I wanted to get out of that environment.

12:17:45 17 I grew up there, but I was involved in a

12:17:56 18 lot of -- everything that you can imagine, as far as

12:17:56 19 community service, of getting out of that neighborhood.

12:17:59 20 So I would not say that I'm -- I knew about all the

12:17:59 21 different streets.

12:18:13 22 Q When you came up Division Street, what was

12:18:13 23 your intended route to the fire station?

12:18:16 24 A Take that towards Grand Avenue, have Grand

12:18:22 25 cut over, like I usually do, and Grand will basically lead

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KEITH THORNTON, JR. - June 10, 2013

79

12:18:27 1 you right into like -- it's -- it's Grand -- you go right
 12:18:30 2 there. I -- I don't know the streets, ma'am. I don't
 12:18:34 3 have that in front of me, but I will get to Pulaski. It
 12:18:36 4 goes straight to Pulaski. You can go there a number of
 12:18:40 5 different routes.
 12:18:44 6 Q You would take Division to Grand to
 12:18:44 7 Pulaski?
 12:18:46 8 A Division to -- you can either take it to
 12:18:50 9 Pulaski or you could take it to several different streets,
 12:18:51 10 ma'am.
 12:18:53 11 Q No. I'm trying to -- you mentioned Grand?
 12:18:56 12 A Yeah. Grand. You could also get to Grand,
 12:18:58 13 as well.
 12:18:59 14 Q So you were intending to go from Division
 12:19:02 15 to -- what was your intention? What was your intended
 12:19:02 16 route?
 12:19:05 17 A My intention was to get to Pulaski so I
 12:19:08 18 could arrive at the firehouse, ma'am.
 12:19:10 19 Q So you were going to go east on Division to
 12:19:12 20 Pulaski?
 12:19:15 21 A That is correct.
 12:19:19 22 Q And what -- how were you dressed that
 12:19:20 23 night?
 12:19:23 24 A I don't know how I was dressed. I don't
 12:19:26 25 know how I was dressed that day.

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KEITH THORNTON, JR. - June 10, 2013

80

12:19:30 1 Q Did you have a certain dress that you would
 12:19:33 2 have when you would go to the fire station?
 12:19:38 3 A That would be in my vehicle with me.
 12:19:40 4 Q What -- what was that attire?
 12:19:43 5 A Just a T-shirt and some blue pants.
 12:19:46 6 Q But that's not what you were wearing at the
 12:19:47 7 time?
 12:19:50 8 A I -- I don't recall what I was wearing.
 12:19:52 9 Q I'm a little confused. You said that you
 12:19:56 10 had your clothes in -- in the car. Why were you not
 12:19:59 11 wearing the T-shirt and blue jeans.
 12:20:00 12 MS. PINKSTON: Objection. Mischaracterizes
 12:20:01 13 prior testimony.
 12:20:02 14 THE WITNESS: As I just informed you,
 12:20:07 15 ma'am, I don't know what I was wearing at that time.
 12:20:09 16 Q BY MS. DYMKA: But your -- your usual
 12:20:11 17 clothes that you wore at the fire station was T-shirt and
 12:20:14 18 jeans?
 12:20:17 19 A To and from the firehouse, yes. I'm not
 12:20:22 20 going to wear it to there. I'm not a firefighter.
 12:20:25 21 It's the same thing now going to a police station. I
 12:20:28 22 don't wear my uniform to a police station.
 12:20:29 23 Q Did you have a uniform --
 12:20:29 24 A No.
 12:20:31 25 Q -- that you wore at the fire station?

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KEITH THORNTON, JR. - June 10, 2013

81

12:20:32 1 A No, I didn't. No, I didn't. We could --
 12:20:35 2 I'm just a volunteer. I could wear shorts, if I wanted
 12:20:39 3 to. I could wear jeans. I could wear shoes. You could
 12:20:44 4 wear whatever you wanted there. I was just a volunteer.
 12:20:47 5 Q And you usually wore a T-shirt and blue
 12:20:47 6 jeans?
 12:20:50 7 A That's correct, with -- with just -- you
 12:20:54 8 could have boots or you could have shoes.
 12:20:56 9 Q Okay. And some of the work that you did at
 12:20:59 10 the fire station was manual labor; right?
 12:21:02 11 A No. It wasn't manual labor.
 12:21:09 12 Q Did you shine the -- the engine and truck?
 12:21:11 13 A No. I didn't shine anything. I sprayed it
 12:21:17 14 with a water hose.
 12:21:20 15 Q As you're driving east on Division, did you
 12:21:22 16 see any police cars?
 12:21:25 17 A Coming up to -- do you want me to look at
 12:21:27 18 the map to be specific with you?
 12:21:28 19 Q Sure.
 12:21:33 20 A Coming on Division, where I was at, once I
 12:21:43 21 was passing Austin Street, that's when I saw several
 12:21:47 22 police cars, and I knew they were police cars because they
 12:21:50 23 had flashing blue lights. The fire department does not
 12:21:52 24 have that. There were a number of cars coming from Austin
 12:21:58 25 when I was between Austin and Central.

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KEITH THORNTON, JR. - June 10, 2013

82

12:22:00 1 Q Okay. Were they coming --
 12:22:00 2 A They were --
 12:22:05 3 Q -- north on Austin or south?
 12:22:07 4 A I didn't see anything north on Austin. I
 12:22:11 5 saw people behind me when I was on Division. That would
 12:22:12 6 be west, as well as east.
 12:22:14 7 Q Okay. I think I'm a little confused what
 12:22:17 8 you just said. You're on Division going east. You saw
 12:22:20 9 police cars coming towards you on Division?
 12:22:26 10 A Coming up to Menard Avenue, when I was
 12:22:29 11 going to that location, I'm -- I'm getting ready to pass
 12:22:34 12 that street. It's a side street. There were squad cars
 12:22:38 13 coming in both directions.
 12:22:41 14 Q So they were coming from east to west on
 12:22:43 15 Division, and from west to east on Division?
 12:22:45 16 A That is correct.
 12:22:47 17 Q Okay. So you saw them in front of you and
 12:22:48 18 you saw them behind you?
 12:22:51 19 A Yes. And that's when I proceeded on to
 12:22:54 20 Menard Avenue, to get out of their way, because they --
 12:22:56 21 Q And they had flashing lights?
 12:22:57 22 A They did.
 12:22:59 23 Q Okay. So you -- when did you first see the
 12:23:06 24 police cars? Were you east of Austin or west of Austin?
 12:23:09 25 A I was between Austin and Central, so that

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KEITH THORNTON, JR. - June 10, 2013

83

12:23:11 1 would put me east of Austin.

12:23:13 2 MS. DYM KAR: Okay. I'm wondering if we

12:23:17 3 could have the court reporter mark the other map as

12:23:17 4 Exhibit 4.

12:23:41 5 (Exhibit 4 was marked.)

12:23:42 6 Q BY MS. DYM KAR: This is a -- this is more

12:23:48 7 of a blowup of the area. Do you still recognize the

12:23:53 8 street? It's more -- more of a blowup.

12:23:59 9 A Not quite. I don't even see the -- I don't

12:23:59 10 even see it.

12:24:00 11 MS. PINKSTON: I'm going to make the same

12:24:05 12 standing objection to Exhibit 4 that I made to Exhibit 3,

12:24:07 13 as in time, because this was also printed on June 9, 2013,

12:24:12 14 and the incident date was April 10, 2010.

12:24:13 15 Q BY MS. DYM KAR: Okay. Do you see West

12:24:17 16 North Avenue on this map?

12:24:22 17 A I do not see North Avenue.

12:24:24 18 Q On Exhibit 4?

12:24:25 19 A I do not see North --

12:24:25 20 Q It's on the top.

12:24:30 21 A There's no North Avenue. There's Le Moyne

12:24:40 22 Street.

12:24:43 23 Q Do you see, north of Le Moyne, there's West

12:24:43 24 -- West North Avenue?

12:24:46 25 A There's no North Avenue.

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KEITH THORNTON, JR. - June 10, 2013

84

12:24:47 1 Q Something is cut off in your -- in what you

12:24:56 2 have. Could you possibly hold it up to the camera?

12:25:10 3 A (Witness complies.)

12:25:10 4 MS. PINKSTON: Yeah, it is cut off.

12:25:10 5 Q BY MS. DYM KAR: Okay. Thank you.

12:25:14 6 Okay. You see West Division on there;

12:25:15 7 right?

12:25:16 8 A I do.

12:25:19 9 Q Okay. You're on Division, and you pass

12:25:19 10 Austin.

12:25:21 11 Do you see North Austin Boulevard?

12:25:25 12 A Austin? I do see Austin. Yes, I do.

12:25:29 13 Q Okay. Where were you when you first saw

12:25:33 14 the police cars?

12:25:36 15 A I said I was right -- it had -- I don't

12:25:39 16 know what street this is. Where did the incident take

12:25:42 17 place? Was it Menard?

12:25:44 18 Q Don't you recall where the incident took

12:25:46 19 place, yourself, sir?

12:25:49 20 A It says 1320 North Menard. I'm asking is

12:25:52 21 that the location. I don't know the exact location.

12:25:54 22 Q How many streets east of North Austin

12:25:58 23 Boulevard were you on Division when you first saw police

12:25:58 24 cars?

12:26:00 25 A I don't know, but I was very close to where

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KEITH THORNTON, JR. - June 10, 2013

85

12:26:04 1 the incident took -- where the actual incident took place.

12:26:07 2 And if that's Menard Avenue, then I was just, from right
12:26:12 3 there, turning onto that location.

12:26:15 4 Q How many police cars did you see coming
12:26:16 5 towards you?

12:26:18 6 A I didn't count them specifically on my
12:26:20 7 fingers, ma'am. All I knew is there were police cars
12:26:25 8 coming. And being an individual who wants to go into law
12:26:27 9 enforcement, I wanted to get out of their way.

12:26:29 10 Q Was it more than one car?

12:26:32 11 A Police cars, with an S, is plural. Yes,
12:26:33 12 ma'am.

12:26:35 13 Q Okay. And they had flashing lights, right?

12:26:37 14 A Blue lights, as stated, ma'am.

12:26:39 15 Q And then you also saw cars coming from
12:26:45 16 behind you, from Austin Boulevard, coming east on
12:26:46 17 Division, right?

12:26:48 18 A Can you repeat that last part?

12:26:51 19 Q You had cars coming towards you, riding --
12:26:55 20 driving west on Division, right?

12:26:56 21 A They were behind me and they were in front
12:27:01 22 of me. That would be east and west, yes.

12:27:03 23 Q How many cars were behind you?

12:27:05 24 A Ma'am, there were a lot of cars. More than
12:27:16 25 -- more than five, including -- including tactical cars

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KEITH THORNTON, JR. - June 10, 2013

86

12:27:16 1 that don't have lights on top, no light bars, and the same
12:27:19 2 thing was coming in front of me. There were a lot of
12:27:19 3 police cars.

12:27:21 4 Q Why didn't you pull over on Division to let
12:27:23 5 the cars go by?

12:27:24 6 A What did -- what did you say?

12:27:26 7 Q Why didn't you pull over -- stop and pull
12:27:27 8 over on Division?

12:27:28 9 A Because the closest street to me was
12:27:34 10 Menard, and I was in the -- the most outer portion, which
12:27:37 11 is the left lane, and I got out of their way. I see them
12:27:40 12 coming from this direction, I saw them coming from the
12:27:42 13 other, towards each other. I made a turn right there to
12:27:44 14 stop right into that zone.

12:27:46 15 Q So you turned left in front of the cars
12:27:50 16 coming towards you down Menard?

12:27:52 17 A Can you repeat?

12:27:54 18 Q There were cars coming toward you -- police
12:27:55 19 cars coming toward you, right?

12:27:56 20 A That's correct.

12:28:01 21 Q And you turned in front of them, left --

12:28:02 22 A They were not -- they were not like
12:28:05 23 directly in front of me, within five, ten feet, ma'am.
12:28:07 24 They were -- they were not that close, where I could make
12:28:12 25 a left-hand turn.

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KEITH THORNTON, JR. - June 10, 2013

87

12:28:13 1 Q Back to my question. Why didn't you just
 12:28:16 2 pull over on Division to get out of their way?
 12:28:19 3 A I didn't pull onto Division because I was
 12:28:24 4 in the left lane going eastbound, and the easiest way that
 12:28:25 5 I want to get out of their way, because I thought
 12:28:28 6 something was going on on Division, is to just pull right
 12:28:32 7 there onto the side street.
 12:28:35 8 Q And is North Menard where you pulled down?
 12:28:37 9 A If that's the incident and that's -- I
 12:28:40 10 didn't know it was where the incident was taking place,
 12:28:43 11 but, yes, that's the street I pulled down towards and
 12:28:45 12 pulled over to the right side of the street.
 12:28:47 13 Q Okay. So as soon as you turned onto
 12:28:50 14 Menard, you pulled over to the right?
 12:28:51 15 A Can you repeat?
 12:28:54 16 Q As soon as you turned onto North Menard,
 12:28:56 17 you pulled over to the right?
 12:29:00 18 A Yes, I did. I can't recall, but I want to
 12:29:03 19 say it was a one-way street. I don't even recall that,
 12:29:07 20 but I honestly do believe it. But I -- I went to the
 12:29:13 21 right, because at the time of me pulling over to the right
 12:29:15 22 to think I was getting out of the officers' way, that's
 12:29:18 23 when several cars were already parked on Menard, at the
 12:29:23 24 end of the block. And then the cars behind me, that
 12:29:33 25 turned into the street onto Menard, they went flying right

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KEITH THORNTON, JR. - June 10, 2013

88

12:29:34 1 through there, and I was stuck in between all of it.
 12:29:37 2 Q When you turned onto Menard, you were going
 12:29:41 3 the right way on a one-way street?
 12:29:43 4 A I was going the right way. Yes, I was.
 12:29:46 5 Q Did you pull over on Menard as soon as you
 12:29:48 6 turned onto Menard?
 12:29:51 7 A There was -- like I just said, there is --
 12:29:53 8 there's no way that you could possibly do that. It's a
 12:29:58 9 very narrow street, but I believe it was a one-way going
 12:30:02 10 northbound. I pulled over as far as I could to the
 12:30:05 11 right-hand side, and --
 12:30:09 12 Q How close to Division did you pull over?
 12:30:12 13 A What are you talking -- it wasn't close to
 12:30:14 14 Division. It was, like, in the middle of a block.
 12:30:18 15 Q So you drove down the middle of that first
 12:30:23 16 block north of Division and pulled over?
 12:30:25 17 A Yes, I did, because no officers were behind
 12:30:31 18 me at the time.
 12:30:33 19 Q Okay. Did you pull into a parking place?
 12:30:35 20 A There was no parking spots. The whole
 12:30:40 21 block was occupied.
 12:30:43 22 Q So you never got to another intersection
 12:30:46 23 north of Division before you pulled over? You pulled over
 12:30:48 24 during that -- in that first block; right?
 12:30:50 25 A No, I did not. And I'm looking at it right

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KEITH THORNTON, JR. - June 10, 2013

89

12:30:53 1 now, and I -- I obviously know exactly where you're trying
 12:30:55 2 to go with this. I was on the same block as these
 12:30:59 3 individuals.
 12:31:00 4 Q Okay. Well, then you have to answer my
 12:31:00 5 question.
 12:31:02 6 Did you pull over right after you pulled
 12:31:06 7 onto Menard, or did you keep driving?
 12:31:08 8 A I kept driving, ma'am.
 12:31:08 9 MS. PINKSTON: Asked and answered at least
 12:31:14 10 three times.
 12:31:15 11 Q BY MS. DYMKAR: Did you see police cars in
 12:31:16 12 front of you?
 12:31:18 13 A No, I did not. I said, once I arrived
 12:31:23 14 getting extremely close to that location, there were squad
 12:31:27 15 cars already parked on the block facing me, which would be
 12:31:32 16 southbound, and officers were already outside of the car.
 12:31:38 17 Q Okay. So where were these cars north of --
 12:31:41 18 do you see on the map where the first street is Potomac?
 12:31:42 19 A That is correct.
 12:31:45 20 Q Were they north of Potomac or south of
 12:31:46 21 Potomac?
 12:31:48 22 A Well, there were -- there were cars that
 12:31:51 23 came from Division. There were cars that were north of
 12:31:55 24 Potomac. There were definitely cars north of Potomac,
 12:31:59 25 because they were already parked there, and there were

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KEITH THORNTON, JR. - June 10, 2013

90

12:32:03 1 still cars coming in from north of Potomac that didn't
 12:32:03 2 concern me.
 12:32:07 3 I was -- as close as I was to a car on the
 12:32:10 4 right side of me that was parked, and the police cars were
 12:32:15 5 on the left side of me. They were jumping out and running
 12:32:15 6 to their scene.
 12:32:19 7 Q Did you pull over south of Potomac or north
 12:32:20 8 of Potomac?
 12:32:22 9 A North of Potomac.
 12:32:25 10 Q Why didn't you turn down Potomac to get out
 12:32:26 11 of the way?
 12:32:29 12 A Because I kept going down the street.
 12:32:32 13 Q Towards where you saw police cars?
 12:32:35 14 A I did not see police cars. I told you that
 12:32:36 15 several times.
 12:32:39 16 Q Okay. Then I misunderstood you. I thought
 12:32:42 17 you said there were police cars already on the block.
 12:32:44 18 A When I got to that -- to this location -- I
 12:32:47 19 didn't even -- it wasn't even 1320 of where I -- where my
 12:32:51 20 vehicle was parked. I never made it to 1320. If that's
 12:32:54 21 where the incident took place, I wasn't at that residence.
 12:32:57 22 I was towards the tip of that block. That's where the
 12:33:00 23 incident took place of what I saw.
 12:33:01 24 Q Okay. So you were close to --
 12:33:05 25 A I was close to the corner -- I was very

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KEITH THORNTON, JR. - June 10, 2013

91

12:33:09 1 close to the corner of Potomac and Division, but I was on
 12:33:15 2 Menard. But I was nowhere near the actual 1320.

12:33:16 3 Q Okay. I'm a little bit confused, because
 12:33:20 4 you said you were near Potomac and Division, and I'm not
 12:33:22 5 sure how you could be near both.

12:33:24 6 A Or excuse me. Potomac and Menard.

12:33:27 7 Q Okay. You were north of Potomac on Menard
 12:33:32 8 near the intersection of Potomac and Menard?

12:33:32 9 A That's correct.

12:33:34 10 Q And you were pulled over to the right?

12:33:35 11 A That -- that's correct. In the middle of
 12:33:37 12 the street, still.

12:33:39 13 Q Okay. What kind of buildings were over to
 12:33:40 14 your right on the east side of the --

12:33:42 15 A I don't recall that, but I want to say it's
 12:33:45 16 bungalows. It was maybe some apartment. I cannot recall
 12:33:48 17 that.

12:33:51 18 Q Did you see any commercial buildings?

12:33:53 19 A I cannot recall that, ma'am.

12:33:54 20 Q Did you see any churches?

12:33:58 21 A I don't recall that.

12:34:00 22 Q Your recollection was they were residential
 12:34:04 23 buildings to the -- to the left side of the street and
 12:34:06 24 residential buildings on the east side of the street?

12:34:06 25 A That's correct.

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KEITH THORNTON, JR. - June 10, 2013

92

12:34:07 1 MS. PINKSTON: Objection. Mischaracterizes
 12:34:10 2 prior testimony.

12:34:12 3 Q BY MS. DYM KAR: Is that correct?

12:34:14 4 A It was a residential street, yes.

12:34:17 5 Q And I'm just trying to determine where
 12:34:20 6 these residences were. They were on the west side and
 12:34:21 7 they were on the east side?

12:34:24 8 A That's correct, ma'am.

12:34:30 9 Q And you pulled over -- how far were you
 12:34:32 10 from the intersection of Potomac and Menard?

12:34:32 11 A Oh, geez.

12:34:32 12 MS. PINKSTON: Objection, asked and
 12:34:34 13 answered.

12:34:36 14 THE WITNESS: Do you want feet?

12:34:36 15 Q BY MS. DYM KAR: Yes, please.

12:34:41 16 A I don't know, really, how to do feet here,
 12:34:47 17 but I would say I was maybe seven houses down on a block.
 12:34:52 18 The houses -- the houses there are about 25 by 75. So if
 12:34:56 19 you do that, I was not midway through the block, but I was
 12:35:01 20 one-fourth through it, pulled over.

12:35:02 21 Q Why did you pull over where you pulled
 12:35:03 22 over?

12:35:05 23 A Because, then, the officers that were
 12:35:11 24 behind me initially came flying through on the left side,
 12:35:16 25 so I got to the right, and I stopped my vehicle, and

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KEITH THORNTON, JR. - June 10, 2013

93

12:35:20 1 that's when I noticed that there was other vehicles up
 12:35:24 2 there stopped at -- I could not go that way. There's no
 12:35:28 3 way you could continue going northbound on that street,
 12:35:30 4 because there were police vehicles stopped there on that
 12:35:30 5 street.
 12:35:34 6 Q Was it your understanding that the -- that
 12:35:37 7 there was a disturbance of some sort?
 12:35:39 8 A Once I hit that block, yes, I did.
 12:35:41 9 Q Which block?
 12:35:46 10 A Menard to 1300 block.
 12:35:48 11 Q And did you say that the -- that the
 12:35:51 12 disturbance was further north of where you were?
 12:35:54 13 A It was.
 12:36:01 14 Q Was -- did you say it was mid block -- mid
 12:36:03 15 block between -- if you look on this map, Potomac and
 12:36:03 16 Hirsch?
 12:36:10 17 A I would -- yes, it was.
 12:36:12 18 Q Did you see any of the numbers on the
 12:36:13 19 houses near where you were?
 12:36:15 20 A No, I did not, ma'am. I wasn't looking.
 12:36:16 21 Q Were you trying to leave the area?
 12:36:22 22 A Yes, I was.
 12:36:24 23 Q Did you get out of your vehicle?
 12:36:25 24 A No, I did not.
 12:36:26 25 Q Is there a bar on that block?

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KEITH THORNTON, JR. - June 10, 2013

94

12:36:29 1 A I have no idea.
 12:36:31 2 Q Did you remember telling a police officer
 12:36:33 3 that there was a bar on that block?
 12:36:36 4 A I don't recall.
 12:36:38 5 Q You don't recall saying that or --
 12:36:38 6 A No.
 12:36:38 7 Q -- it didn't happen?
 12:36:50 8 A I don't recall ever speaking of a bar.
 12:36:50 9 Q You said that police -- police officers
 12:36:54 10 were getting out of their car and running -- would it be
 12:36:56 11 north of Menard towards the center of the block --
 12:37:00 12 A The ones who were already on the street --
 12:37:00 13 Q -- between Potomac and Hirsch?
 12:37:01 14 A The ones who were already on the street,
 12:37:04 15 they all bypassed me. The ones who were coming from
 12:37:07 16 behind me, they flew in front of me. So there was no one
 12:37:09 17 running from behind me.
 12:37:11 18 Q Okay. So -- and when you say "flew," you
 12:37:14 19 mean in their cars? The cars passed you?
 12:37:15 20 A Yes. And they went to the middle of the
 12:37:16 21 street.
 12:37:17 22 Q And there were no police cars parked behind
 12:37:19 23 you, right?
 12:37:27 24 A No.
 12:37:29 25 Q Did you see any of the officers with their

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KEITH THORNTON, JR. - June 10, 2013

95

12:37:30 1 guns drawn?

12:37:31 2 A No. I don't think there -- I didn't see

12:37:33 3 any officers with their guns out.

12:37:35 4 Q You said that there were both marked cars

12:37:37 5 and unmarked cars?

12:37:41 6 A That's correct.

12:37:43 7 Q How many cars would you estimate were there

12:37:47 8 north of where you were?

12:37:49 9 A I have no idea, because if you go further

12:37:52 10 down the street northbound, there was a ton of cars. They

12:37:54 11 were parked. Some of them didn't have lights. I don't

12:37:55 12 know. I didn't recall that.

12:37:58 13 Q Well, was it more like three or four cars,

12:37:58 14 or was it more like --

12:38:00 15 A It was more -- a lot -- it was a lot more

12:38:04 16 than three or four cars that were there.

12:38:06 17 Q I just want to get your best estimate. Was

12:38:08 18 it like 10 to 15 cars?

12:38:10 19 MS. PINKSTON: Objection. Based on his

12:38:13 20 prior testimony, this would be speculation at this point.

12:38:15 21 THE WITNESS: I have no idea. I can't tell

12:38:15 22 you that.

12:38:17 23 Q BY MS. DYMKA: Were there more than ten

12:38:19 24 cars or fewer than ten cars?

12:38:20 25 A I have no idea, ma'am. But considering

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KEITH THORNTON, JR. - June 10, 2013

96

12:38:24 1 that when I was coming down Division, there were a few

12:38:29 2 cars behind me and a few before, I would say that there

12:38:34 3 were well over that amount.

12:38:36 4 Q Were their sirens on?

12:38:38 5 A Coming onto that street, yes, it was. When

12:38:41 6 I was on Division, yes, there was. Once I hit the 1300

12:38:50 7 block of Menard, there probably was sirens, there probably

12:38:55 8 was not. I don't recall.

12:38:59 9 Q Did you see any private citizens on foot?

12:39:01 10 A There were a lot of -- I don't -- I don't

12:39:04 11 know if I could call them citizens, but there were a lot

12:39:08 12 of private individuals out on the block.

12:39:11 13 Q Why would you not call them citizens?

12:39:13 14 A I don't know who they were.

12:39:16 15 Q How many people did you see on foot in --

12:39:19 16 north of you on that 1300 block?

12:39:20 17 A Are you talking about the police officers

12:39:22 18 as well?

12:39:28 19 Q Private citizens.

12:39:30 20 A There were at least over 10 to 15

12:39:31 21 individuals.

12:39:33 22 Q Could you tell if there was a party of some

12:39:33 23 sort?

12:39:34 24 A I don't know about what was going on there,

12:39:37 25 but I would assume that there was a party going on at a

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KEITH THORNTON, JR. - June 10, 2013

97

12:39:39 1 location.

12:39:41 2 Q Did you initially think that there was a

12:39:42 3 block party going on?

12:39:44 4 A I -- no, ma'am. Block parties don't have

12:39:47 5 any cars on their blocks, and it's closed down where you

12:39:49 6 can't even enter the street.

12:39:53 7 Q When the police cars passed you or were in

12:39:56 8 front of you, did you try to back up at that time?

12:40:04 9 A No, I didn't. I stayed to the right, and I

12:40:05 10 let them do their job.

12:40:05 11 Q Why didn't you try to back up on --

12:40:05 12 A Because I let them do their job, and I let

12:40:08 13 them come in while they had their lights on, and they were

12:40:14 14 coming northbound on the street, and my job is to pull to

12:40:17 15 the right in there on the side of me, because they needed

12:40:20 16 to get in there to do what they had to do. Backing up

12:40:23 17 would have made me cause an accident.

12:40:25 18 Q Once they passed -- as you said, they flew

12:40:27 19 by you, using your words --

12:40:28 20 A That's correct.

12:40:30 21 Q -- why didn't you back up, then, to go to

12:40:31 22 Division?

12:40:34 23 A Because northbound, I could not -- as I had

12:40:37 24 already stated, I could -- the complete street, which is a

12:40:41 25 very narrow street, was completely blocked by squad cars,

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KEITH THORNTON, JR. - June 10, 2013

98

12:40:43 1 by police officers, and by a lot of different individuals

12:40:49 2 who -- now, at this point, I know who -- David Wilbon was

12:40:52 3 a part of that. That's who I saw with the whole bottle

12:40:55 4 incident. He threw this.

12:40:57 5 I can't go northbound anymore. So now I'm

12:41:00 6 going to back up to whatever street this was, which is

12:41:03 7 Potomac, and get out of there, because that's the only

12:41:05 8 route that I can get out.

12:41:06 9 Q Okay. But that's -- that's what I was

12:41:10 10 asking you, and now I'm a little confused by your answer.

12:41:13 11 Once the police cars flew by you towards the center of

12:41:18 12 that block, why didn't you back up to Potomac and leave?

12:41:21 13 A I did do that.

12:41:25 14 Q As soon as the police cars flew by you, you

12:41:28 15 backed up and went down Potomac?

12:41:29 16 MS. PINKSTON: Objection. Mischaracterizes

12:41:32 17 his prior testimony.

12:41:34 18 THE WITNESS: Ma'am, I've answered this

12:41:39 19 question several times. The officers came past me going

12:41:43 20 northbound while I was parked to the right. They jumped

12:41:50 21 out. And in that time period, I observed a big mob out

12:41:52 22 there of individuals that they were going to. Several

12:41:56 23 officers were in foot pursuit way north of me jumping over

12:41:58 24 gates, going -- doing their thing, and I knew something

12:42:00 25 was taking place.

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KEITH THORNTON, JR. - June 10, 2013

99

12:42:02 1 And within that short period of time, I
 12:42:06 2 observed this individual with dreadlocks at the time, now
 12:42:11 3 identified as David Wilbon, throw a bottle at an officer,
 12:42:14 4 who I knew was an officer, didn't know a badge number,
 12:42:17 5 didn't who it was, didn't know this, but it struck an
 12:42:21 6 officer, by the uniform, and he did it. And he ran
 12:42:25 7 southbound, while I was backing up, on the west side of my
 12:42:29 8 car while I was backing up, and he went out to the
 12:42:32 9 intersection, on his cell phone, and that's where this
 12:42:34 10 started.

12:42:35 11 Q BY MS. DYM KAR: All right. I'm taking it a
 12:42:37 12 piece at a time, so, you know, we -- you know, you can --
 12:42:41 13 you can (inaudible) --

12:42:41 14 A You're --

12:42:43 15 Q -- the whole story, or we can just take it
 12:42:47 16 a piece at a time, because I think we'll -- we'll be more
 12:42:48 17 -- it will be more efficient if we can just break it down
 12:42:52 18 into -- into smaller time frames.

12:42:57 19 After the police cars passed you by, you
 12:42:59 20 did not back up at that point to go down Potomac;
 12:43:03 21 right?

12:43:11 22 A I said that. To ensure that no other
 12:43:14 23 police cars were coming, I stayed there for a few extra
 12:43:16 24 seconds. If you want to know that I was there for
 12:43:19 25 seconds, yeah.

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KEITH THORNTON, JR. - June 10, 2013

100

12:43:23 1 Q And you said you saw individuals throwing
 12:43:25 2 objects?

12:43:25 3 A That's correct.

12:43:27 4 Q Were there numerous individuals throwing
 12:43:27 5 objects?

12:43:31 6 A There was a lot -- I saw two foot pursuits.
 12:43:34 7 I saw several officers take off in different locations,
 12:43:38 8 going after two suspects. They did what they did. I
 12:43:39 9 don't know what they did.

12:43:42 10 I saw several people throwing bottles, but
 12:43:44 11 they were a little bit further, and the closest one that
 12:43:49 12 was nearest to my car was David Wilbon, with his
 12:43:52 13 dreadlocks, and I believe he had on a red coat at the
 12:43:57 14 time, and that's who I saw throwing the bottle, who I --

12:43:59 15 Q Did you know David Wilbon on April 10,
 12:44:00 16 2010?

12:44:01 17 A Excuse me?

12:44:03 18 Q Did you know a David Wilbon on April 10,
 12:44:05 19 2010?

12:44:06 20 A No, I did not.

12:44:07 21 Q So any of your observations that you made
 12:44:12 22 on the 1300 block of North Menard were not of somebody you
 12:44:14 23 knew to be David -- David Wilbon, right?

12:44:16 24 A All of my observations -- can you repeat
 12:44:17 25 that?

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KEITH THORNTON, JR. - June 10, 2013

101

12:44:20 1 Q Your observations on the 1300 block of
 12:44:24 2 North Menard -- at that time, you did not know an
 12:44:26 3 individual named David Wilbon?
 12:44:28 4 A No, I did not.
 12:44:30 5 Q All right. My question to you was whether
 12:44:34 6 you saw numerous individuals throwing objects.
 12:44:42 7 A Yes, I did.
 12:44:44 8 Q How many objects did you see being thrown?
 12:44:48 9 A From who?
 12:44:50 10 Q You said you saw individuals throwing
 12:44:51 11 objects, bottles --
 12:44:53 12 A I just saw a lot of different things going
 12:44:55 13 up from people's hands.
 12:45:01 14 Q Okay. How many bottles or cans did you see
 12:45:03 15 being thrown?
 12:45:03 16 A I don't recall specifically, but --
 12:45:03 17 Q Okay.
 12:45:03 18 A -- it was a big mob.
 12:45:05 19 Q Was it like five, four, less?
 12:45:10 20 A I would say it was five or more. There was
 12:45:12 21 people in there inside of gates, inside of whatever
 12:45:15 22 residence that was. I assume it was 1320. There was
 12:45:20 23 people there standing at -- at the location, inside of a
 12:45:24 24 gate. There was people all around on the right side and
 12:45:27 25 the left side, and then there was a big mob of people

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KEITH THORNTON, JR. - June 10, 2013

102

12:45:31 1 right in the middle of the street. They were all -- a lot
 12:45:33 2 of them were throwing different things, and the closest
 12:45:36 3 one to me was David Wilbon.
 12:45:40 4 Q As I said, you don't -- you didn't know any
 12:45:43 5 individual named David Wilbon --
 12:45:48 6 A I have never heard or -- no, I do not.
 12:45:51 7 Q Okay. Was 1320 North Menard -- did you see
 12:45:54 8 an address 1320 North Menard?
 12:45:56 9 A No. I wasn't looking at addresses, ma'am.
 12:45:59 10 Q All right. So the only reference you had
 12:46:02 11 to 1320 is seeing that on this map; right?
 12:46:05 12 A Yeah. If that's accurate, then that's
 12:46:07 13 where I was at just prior to that --
 12:46:10 14 Q There's no indication that it's you who was
 12:46:11 15 at 1320 North Menard; right?
 12:46:13 16 A Could you repeat?
 12:46:15 17 Q The map that says 1320 North Menard --
 12:46:16 18 A Correct.
 12:46:18 19 Q Right. You don't know what address you
 12:46:20 20 were in front of, do you?
 12:46:22 21 A Absolutely not, but I was not right in
 12:46:26 22 front of the exact location.
 12:46:28 23 Q You were how many houses down from the --
 12:46:29 24 A I don't know --
 12:46:29 25 Q -- from the exact location?

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KEITH THORNTON, JR. - June 10, 2013

103

12:46:31 1 A -- how many houses I was down. I have no
 12:46:42 2 idea how many houses I was down, but I was few houses down
 12:46:42 3 from it.
 12:46:43 4 Q By "a few," do you mean two, three, four --
 12:46:43 5 A I have no idea.
 12:46:43 6 THE COURT REPORTER: Wait, wait. I'm
 12:46:43 7 sorry. Can you just, please, wait for her to finish,
 12:46:43 8 because I'm not getting her full question.
 12:46:44 9 Q BY MS. DYM KAR: Was it two, three, or four
 12:46:49 10 houses south of where you believe was the center of the
 12:46:50 11 action?
 12:46:51 12 A Yes, ma'am.
 12:46:54 13 Q 1320 North Menard, would that be on the
 12:46:56 14 west side of the street or the east side of the street, to
 12:47:02 15 your knowledge?
 12:47:07 16 A I don't recall. I don't know that
 12:47:11 17 location.
 12:47:14 18 Q Okay. So 1320, other than seeing it on
 12:47:18 19 this plan, you're not relating to us as having occurred at
 12:47:18 20 1320 North Menard --
 12:47:19 21 A That's correct.
 12:47:19 22 Q -- (inaudible) at this map, right?
 12:47:20 23 A I saw the most people on the right side at
 12:47:23 24 a house, and I saw people on the left side. They were
 12:47:24 25 everywhere.

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KEITH THORNTON, JR. - June 10, 2013

104

12:47:25 1 Q Okay. But they were at the house -- houses
 12:47:28 2 on the east side of the street, and there were houses on
 12:47:30 3 the west side of the street, right?
 12:47:31 4 A That's correct.
 12:47:34 5 Q Okay. And then did you see any bottles or
 12:47:36 6 any other objects hit any officers?
 12:47:39 7 A Yes, I did.
 12:47:42 8 Q Okay. You -- what was the object?
 12:47:44 9 A From David Wilbon, are we talking about
 12:47:45 10 now?
 12:47:47 11 Q I would prefer that you give another
 12:47:50 12 description to him, because at that point, you don't know
 12:47:54 13 the name of the person who's on the street, right?
 12:47:57 14 MS. PINKSTON: I'm going to object to you
 12:47:59 15 instructing the witness how to testify.
 12:48:00 16 Q BY MS. DYM KAR: Did you know a David Wilbon
 12:48:04 17 on April 10, 2010, before you turned onto North Menard?
 12:48:05 18 MS. PINKSTON: Objection. Asked and
 12:48:07 19 answered.
 12:48:07 20 THE WITNESS: I answered that several
 12:48:08 21 times, ma'am.
 12:48:20 22 Q BY MS. DYM KAR: All right. Did you see any
 12:48:21 23 object hit any officer?
 12:48:24 24 A I answered that several times. Yes, I did.
 12:48:28 25 Q How many officers were hit with an object?

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KEITH THORNTON, JR. - June 10, 2013

105

12:48:30 1 A I saw this individual throw a bottle, and
 12:48:36 2 it struck an officer in the head.
 12:48:38 3 Q And you believe that the officer was a
 12:48:39 4 female officer; right?
 12:48:42 5 A I do believe it was a female officer, due
 12:48:43 6 to the hair.
 12:48:47 7 Q And did this officer fall to the ground?
 12:48:50 8 A The officer stumbled around, did not fall
 12:48:53 9 completely to the ground, stumbled around and turned
 12:48:56 10 around, and they were all looking. Several officers ran
 12:48:59 11 to the officer's aid, and they were talking.
 12:49:01 12 And as I'm now backing up and I see him run
 12:49:04 13 right past me, I said, "Oh, no," and then that's when I
 12:49:07 14 called 911.
 12:49:09 15 Q Okay. Did you get a good look at that
 12:49:11 16 woman officer's face?
 12:49:12 17 A No, I did not.
 12:49:13 18 Q Do you know what color hair she had?
 12:49:18 19 A No, I did not. It was dark on the block.
 12:49:20 20 Q Was she white or -- or African-American --
 12:49:20 21 A I --
 12:49:20 22 Q -- or Hispanic?
 12:49:25 23 A She definitely wasn't black. I don't know
 12:49:27 24 if she was -- she was light-skinned. That could be
 12:49:28 25 anything.

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KEITH THORNTON, JR. - June 10, 2013

106

12:49:30 1 Q Okay. So she could be white? She could
 12:49:31 2 have been Hispanic?
 12:49:32 3 A That's correct.
 12:49:33 4 Q She had a -- a uniform on?
 12:49:34 5 A That's correct.
 12:49:37 6 Q Okay. You said that she -- can you
 12:49:40 7 describe in more detail? She stumbled, but you didn't see
 12:49:41 8 her fall to the ground?
 12:49:43 9 A And she turned around towards -- facing
 12:49:51 10 south, to see where the bottle came from, because it
 12:49:51 11 struck the back of her head, and that's when maybe two or
 12:49:58 12 three officers, who were male officers, came to her and
 12:50:01 13 kind of held her up. And then they were just
 12:50:03 14 conversating, like, "Where did that basically come from."
 12:50:05 15 Q How far was the woman officer from you or
 12:50:06 16 how far were you from the woman officer?
 12:50:14 17 A That was pretty close. Maybe about two --
 12:50:15 18 two -- two houses, a house and a half.
 12:50:16 19 Q Okay. And before, you said that you
 12:50:19 20 thought that a city lot was about 25 feet wide?
 12:50:23 21 A That's correct.
 12:50:25 22 Q So are we talking about -- about 40 feet or
 12:50:25 23 so?
 12:50:35 24 A I would say 30, 35 feet, ma'am.
 12:50:36 25 Q You were sitting -- you were still in your

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KEITH THORNTON, JR. - June 10, 2013

107

12:50:36 1 car at the time?

12:50:44 2 A I never got out of my car one time, ma'am.

12:50:46 3 Q Did you see any other officer, in addition

12:50:49 4 to the woman officer, being hit with a bottle?

12:50:51 5 A No, I did not see anyone specifically hit,

12:50:55 6 but they were throwing all types of different things. I

12:50:59 7 saw bottles at the officers. I'm quite sure several were

12:51:02 8 struck with it. But the one that I can identify, that I

12:51:08 9 actually saw firsthand, was the one that I'm telling you

12:51:09 10 about.

12:51:12 11 Q Did you ever find out the identity of that

12:51:14 12 woman officer who was hit?

12:51:16 13 A No, I didn't. It's not my job.

12:51:22 14 Q When you -- you said you called 911. When

12:51:26 15 you called 911, did you tell the dispatcher that a woman

12:51:27 16 officer had been hit in the head?

12:51:29 17 A I told the dispatcher -- when I got out to

12:51:33 18 that street, when I finally backed up, I told him, "I'm at

12:51:37 19 this location. There's a lot of police over here. I

12:51:40 20 don't know what's going on, and an individual just threw a

12:51:44 21 bottle, and it struck an officer in the head."

12:51:46 22 The officer who I -- excuse me. The

12:51:52 23 dispatcher or call-taker informed me the location, "Can

12:51:54 24 you describe him?" I gave a very detailed description,

12:51:57 25 which I cannot recall at this time. If you have the 911

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KEITH THORNTON, JR. - June 10, 2013

108

12:51:59 1 tape, you could do that.

12:52:02 2 And she said, "Okay. Be careful."

12:52:05 3 I said, "I'm going to -- I'm -- I'm right

12:52:07 4 here," so I gave her everything.

12:52:09 5 And then that's when a vehicle came and

12:52:13 6 picked him up while he was on his cell phone.

12:52:14 7 Q Okay. We're going to -- we're going to

12:52:17 8 take this a -- a piece at a time.

12:52:19 9 The person who threw the bottle at the

12:52:23 10 woman officer, how far was he from you?

12:52:26 11 A He was right in front of my vehicle. I --

12:52:32 12 if there was -- there's another car -- a car length. He

12:52:35 13 was not too far from my -- my vehicle at all, standing on

12:52:43 14 the most east part of the street while she was in the

12:52:45 15 middle of the street.

12:52:48 16 I think it just froze.

12:52:51 17 Q Did any of the officers that came to the

12:52:56 18 woman officer's aid -- did any of them chase the person

12:52:57 19 who had thrown the bottle?

12:53:01 20 A No. They were looking bewildered. They

12:53:02 21 didn't know -- they -- they were tending to her, and she

12:53:04 22 was looking around and talking to them. And I would

12:53:07 23 assume she was saying, "I just got struck by a bottle."

12:53:10 24 And me seeing this guy, I just called 911.

12:53:13 25 I'm not going to jump out and get involved in -- get in

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KEITH THORNTON, JR. - June 10, 2013

109

12:53:15 1 between all of that, because they're -- like I said, that
 12:53:19 2 was not the only incident taking place at that time.
 12:53:21 3 There were several other officers -- I don't know what
 12:53:24 4 they were doing. They were chasing. They had people
 12:53:29 5 against cars. I wasn't getting involved in that.
 12:53:32 6 Q Did you tell the officers at the scene
 12:53:32 7 that --
 12:53:34 8 A I didn't talk to any --
 12:53:35 9 Q -- you had seen this happen?
 12:53:37 10 A I didn't talk to any officers at the scene.
 12:53:38 11 Q Okay. Why not?
 12:53:42 12 A I just stated that, ma'am. I backed up,
 12:53:44 13 let them do their job, and I was going to the police
 12:53:48 14 station. And I saw this individual, and that's who -- I
 12:53:51 15 wanted to relay that information over, because that's the
 12:53:53 16 most appropriate thing to do.
 12:53:56 17 Q When you -- you said you were going to the
 12:53:58 18 police station. What police station were you going to?
 12:54:01 19 A Initially, I was going to go to the 25th
 12:54:05 20 District Police Station, just to report this. But I was
 12:54:09 21 on the phone, and this guy decided to go his route, and I
 12:54:11 22 got a license plate number, and he took me to the 15th
 12:54:12 23 District.
 12:54:14 24 Q Did you write down the license plate
 12:54:14 25 number?

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KEITH THORNTON, JR. - June 10, 2013

110

12:54:17 1 A I didn't write it down. I told the -- the
 12:54:21 2 call-taker while I was on the phone with her.
 12:54:25 3 Q Did you tell the dispatcher that the woman
 12:54:26 4 officer had been hit?
 12:54:32 5 A I did. Yes, I did.
 12:54:34 6 Q You said you gave a description to the
 12:54:37 7 dispatcher of the person who had thrown the bottle. What
 12:54:38 8 was the description that you gave?
 12:54:40 9 A I can't recall exactly how he looked, what
 12:54:43 10 he was wearing. But I do know he was an African-American,
 12:54:46 11 dark-skinned. Don't know his height, don't know his
 12:54:49 12 weight. I did probably give that, because I gave a very
 12:54:52 13 detailed description of him. He had dreadlocks. I do
 12:54:55 14 recall that, and I want to say he had on a red coat.
 12:54:59 15 That's all I can remember at this time.
 12:55:02 16 Q Okay. Now, did you see other people --
 12:55:05 17 other private citizens at the scene with dreadlocks?
 12:55:12 18 A No, ma'am.
 12:55:15 19 Q Is it, in your experience, living not too
 12:55:19 20 far n that neighborhood, there are -- it's a popular
 12:55:27 21 hairstyle for African-American males --
 12:55:27 22 A No, ma'am.
 12:55:27 23 Q -- the dreadlocks?
 12:55:28 24 A No, ma'am. I'm African-American, and s you
 12:55:30 25 can tell right now with this video conference, I have

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KEITH THORNTON, JR. - June 10, 2013

111

12:55:32 1 nice, clean-cut haircut. So, no, ma'am.

12:55:34 2 MS. PINKSTON: And I just want to make an
12:55:37 3 objection to that question. That mischaracterizes prior
12:55:39 4 testimony and there's no foundation.

12:55:41 5 Q BY MS. DYMKA: Okay. We -- we know that
12:55:44 6 you're clean-cut, sir, but you have seen dreadlocks in
12:55:46 7 your neighborhood on --

12:55:46 8 A I have not.

12:55:48 9 Q -- other African-American males?

12:55:48 10 A I have not.

12:55:50 11 MS. PINKSTON: Objection. Is characterizes
12:55:53 12 prior testimony, that this is his neighborhood.

12:55:54 13 Q BY MS. DYMKA: I didn't -- I saw your
12:55:57 14 mouth moving, but nothing -- no sound.

12:56:03 15 A I said "no, ma'am."

12:56:09 16 Q So is it -- is it your testimony that
12:56:10 17 dreadlocks is an unusual hairstyle?

12:56:14 18 A No. If someone chooses to have dreadlocks,
12:56:17 19 it's just like what I choose to have.

12:56:19 20 Q Now, could you describe the red coat that
12:56:20 21 this person had on?

12:56:22 22 A I can't describe the red coat. All I knew
12:56:26 23 is it was a red coat. I wasn't right up on the guy. I
12:56:29 24 wasn't wearing it.

12:56:30 25 Q Was it a leather coat?

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KEITH THORNTON, JR. - June 10, 2013

112

12:56:33 1 A I want to say that it was a leather coat,
12:56:37 2 but I cannot even recall that situation. So I can't
12:56:38 3 comment to that.

12:56:41 4 Q Was it -- when you say "coat," did you --
12:56:45 5 do you mean something that was longer, like down to, you
12:56:47 6 know, your knees or down to your hips?

12:56:50 7 A No. It definitely wasn't down to his knees
12:56:53 8 or his hips. It was around his waist.

12:56:58 9 Q Did the coat have any kind of writing on
12:56:58 10 it?

12:57:00 11 A I don't recall that, and I don't -- I -- I
12:57:06 12 don't recall that. All I saw was red.

12:57:07 13 Q And you believe you gave a -- a height and
12:57:10 14 weight to the dispatcher?

12:57:12 15 A I gave a whole lot more to the dispatcher,
12:57:15 16 because I was actually there several years ago. So if you
12:57:21 17 could pull that up, you would -- you would hear it.

12:57:23 18 Q This person that you saw throw the bottle,
12:57:25 19 did he throw it with his right hand or left hand?

12:57:29 20 A I don't recall that.

12:57:33 21 Q Did you see him throw only one bottle?

12:57:42 22 A I saw him throw one bottle.

12:57:46 23 Q When you called 911, did you tell the
12:57:49 24 dispatcher what direction this person was walking in?

12:57:51 25 A He wasn't walking. He was running, and,

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KEITH THORNTON, JR. - June 10, 2013

113

12:57:55 1 yes, I did tell her that.

12:57:58 2 Q When this individual threw the bottle, was

12:57:59 3 he standing with other people at the time?

12:58:01 4 A No, he was not. He was in the middle of

12:58:07 5 the street, with a -- with a crowd, closer to -- the most

12:58:11 6 closest person to me, but as he started running, he was

12:58:16 7 definitely by himself, on his cell phone.

12:58:20 8 Q Did you see other people running south,

12:58:21 9 past your car --

12:58:22 10 A Not one person.

12:58:23 11 Q -- in addition to this one --

12:58:26 12 A No -- no person went south. He was the

12:58:29 13 only individual.

12:58:31 14 Q Everybody else ran north or east?

12:58:33 15 A Everyone else stayed at that scene and

12:58:36 16 stayed in front of the east locations and the west

12:58:39 17 locations, which are residents, and were either in the

12:58:43 18 middle of that block, and that's all I saw, because I

12:58:45 19 wasn't looking that direction. I was turned around,

12:58:45 20 backing up.

12:58:47 21 He was the only individual on the west side

12:58:53 22 of my car unning past me.

12:58:55 23 Q Do you know approximately what time it was?

12:58:57 24 A I don't recall the exact time. No, I do

12:59:02 25 not. I know it was very, very early.

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KEITH THORNTON, JR. - June 10, 2013

114

12:59:04 1 Q What do you mean by "very early"?

12:59:08 2 A In the morning, day. I would say that's

12:59:10 3 either -- either you could say it's very late or -- or

12:59:13 4 very early. I don't recall the time.

12:59:15 5 Q How close was it to midnight?

12:59:19 6 A I don't recall.

12:59:21 7 Q This person you saw throw the bottle, did

12:59:23 8 you see him drinking any alcohol?

12:59:30 9 A No, I did not.

12:59:33 10 Q After you called 911 and gave a description

12:59:40 11 and the direction the person was running in, did you back

12:59:44 12 up and go down Potomac?

12:59:45 13 A I don't believe it was -- it was the street

12:59:49 14 that was Potomac. It was -- do you want to continue now?

12:59:52 15 Because you're asking me all these extra questions now.

12:59:56 16 He stood there for almost a minute on the

13:00:01 17 south side of Division, on his cell phone. He stayed

13:00:02 18 planted there.

13:00:05 19 I stopped at the intersection, and I was

13:00:08 20 giving a very detailed description. And that's when a

13:00:11 21 vehicle, which was an SUV at the time -- I can't describe

13:00:15 22 the SUV right now, but I did describe it once I called 911

13:00:18 23 and I gave a license plate. They picked them up, and that

13:00:25 24 SUV was occupied, I want to say, by three males.

13:00:26 25 And they picked them him up, and that's

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KEITH THORNTON, JR. - June 10, 2013

115

13:00:30 1 when I fully backed out onto that street and followed
 13:00:35 2 them, and I -- I do not think -- it definitely wasn't
 13:00:39 3 Menard that we went down. I don't even think Menard goes
 13:00:41 4 through.
 13:00:48 5 Q When you backed up your car, did you back
 13:00:49 6 up for a block and a half?
 13:00:52 7 A I -- no, I did not. I backed straight down
 13:00:55 8 to the first street that was there.
 13:00:59 9 Q Potomac?
 13:00:59 10 A Yes, ma'am.
 13:01:01 11 Q And then you went down Potomac?
 13:01:02 12 A Yes. And then they turned -- whatever
 13:01:11 13 street is just west of the -- excuse me -- east. The very
 13:01:17 14 first -- the very first side street that's east of Menard,
 13:01:20 15 the car went southbound on that street, And it stopped for
 13:01:22 16 a moment, and that's where -- that's where I was behind
 13:01:24 17 them.
 13:01:25 18 Q Okay. The street -- do you recognize the
 13:01:29 19 street just east of Menard as being Massasoit?
 13:01:32 20 A If -- if that was the street.
 13:01:38 21 Q Okay. So I'm a little bit confused. You
 13:01:42 22 -- you backed down to Potomac, and then you turned east on
 13:01:43 23 Potomac?
 13:01:48 24 A That's correct.
 13:02:02 25 Q And you saw this man in the red coat. You

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KEITH THORNTON, JR. - June 10, 2013

116

13:02:06 1 saw him running towards Potomac?
 13:02:08 2 A Now we're -- now we're backing up, now,
 13:02:12 3 because now you're going -- you mentioned the vehicle. He
 13:02:14 4 was in the vehicle. So we're backing up again?
 13:02:16 5 He was at the corner -- not even the
 13:02:21 6 corner. He was standing there across the street, on the
 13:02:24 7 south side of the street, on his cell phone. That went on
 13:02:27 8 for at least 20 to 30 seconds, while I'm on the phone with
 13:02:30 9 911, giving his description.
 13:02:35 10 At that time, an SUV comes east -- or,
 13:02:39 11 excuse me -- from the west, and they stop, pick him up, he
 13:02:43 12 jumps in -- in the back of the vehicle.
 13:02:45 13 Q The SUV was dark-colored?
 13:02:46 14 A Yes, it was.
 13:02:47 15 Q And there were three individuals in the
 13:02:48 16 car?
 13:02:52 17 A Yes, it was, ma'am.
 13:02:53 18 Q Okay. Please, bear with me. I'm trying to
 13:02:55 19 take it a step at a time.
 13:02:57 20 Did you back up to Potomac and go east on
 13:03:01 21 Potomac, or did you back up to Division and go east on
 13:03:02 22 Division?
 13:03:04 23 A I don't -- whatever the first street was
 13:03:06 24 right there, that's where I went.
 13:03:08 25 Q Okay. So looking at this map, it was

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KEITH THORNTON, JR. - June 10, 2013

117

13:03:10 1 Potomac; right?

13:03:12 2 A Yeah. I -- it would be Potomac.

13:03:15 3 Q Okay. Now, this man in the coat -- let me

13:03:19 4 just ask you another question about this coat. Did this

13:03:21 5 coat have a hood?

13:03:25 6 A I don't recall, and I don't think so.

13:03:33 7 Q Okay. So this man in the red coat, did he

13:03:38 8 go south to Potomac or south to Division?

13:03:40 9 A He didn't do anything, because he was

13:03:43 10 already in the SUV. Now, it's the SUV, whoever was

13:03:44 11 driving the SUV, that --

13:03:46 12 Q Okay. Where did the SUV come to pick him

13:03:49 13 up?

13:03:59 14 A Potomac, from the west.

13:03:59 15 Q Okay.

13:04:01 16 A Towards Menard, on the south side of the

13:04:03 17 street.

13:04:05 18 Q Okay. Now, do you recall talking to me on

13:04:12 19 May 4, 2013, and telling me that an SUV came to pick up

13:04:17 20 this man on Division?

13:04:19 21 A If I said that, then that's -- that's the

13:04:23 22 street that I felt that it was there. They did go down

13:04:25 23 to Division.

13:04:27 24 Q Okay. Well, I don't want to put words in

13:04:30 25 your mouth. Which one was it? Did the SUV come down --

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KEITH THORNTON, JR. - June 10, 2013

118

13:04:32 1 A Whatever street was to the south of my

13:04:32 2 location --

13:04:35 3 Q -- Potomac or did it come down Division?

13:04:39 4 A Whatever street was right there to the

13:04:43 5 immediate south of my location, that's the street that --

13:04:46 6 that we were on. We didn't go down a whole block or two

13:04:48 7 blocks.

13:04:53 8 Q Okay. If I understand it correctly, you

13:05:00 9 were north of Potomac. So the first street just south of

13:05:02 10 you would have been Potomac.

13:05:03 11 A That's correct.

13:05:07 12 Q Now, was the SUV on Division or Potomac?

13:05:08 13 MS. PINKSTON: Objection. Asked and

13:05:09 14 answered at this point. I mean, he's very clearly stated

13:05:11 15 for the record that he doesn't recall what street it was,

13:05:14 16 that it was the street closest south. I mean, this has

13:05:16 17 gone on long enough.

13:05:16 18 Q BY MS. DYM KAR: Do you recall telling me,

13:05:18 19 on May 4, 2013 --

13:05:20 20 A I don't recall telling you anything, ma'am.

13:05:23 21 I -- I recall telling -- after hearing your threats, while

13:05:28 22 I'm driving and I'm pulled over -- I'm telling you exactly

13:05:30 23 what I'm telling you now.

13:05:33 24 Q What was the threat that I made to you?

13:05:35 25 A Excuse me? What was the --

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KEITH THORNTON, JR. - June 10, 2013

119

13:05:36 1 Q Did you -- did you say I made a threat to
13:05:36 2 you?

13:05:39 3 A Oh, yeah. You made plenty of them.

13:05:40 4 Q Okay. What was the threat I made to you?

13:05:44 5 A That you would have me put into jail, you
13:05:47 6 would have me -- all types of different things. I don't
13:05:49 7 -- I don't know your lingo. And you were very -- come on,
13:05:50 8 ma'am.

13:05:52 9 Q I -- you say that I said to you, during
13:05:56 10 this more than an hour we were talking, I said I was going
13:05:57 11 to put you in jail?

13:05:58 12 A Yes, you did, if you didn't come back here
13:06:04 13 to -- it was a deposition on that Monday, and I talked --

13:06:07 14 Q I said I would put you in jail?

13:06:09 15 A That you would have me -- yes, whatever
13:06:12 16 term that you used.

13:06:15 17 Q Why did you keep talking to me, then, if I
13:06:16 18 was threatening you?

13:06:18 19 A Because you downgraded after -- after I
13:06:23 20 started telling you my -- my story.

13:06:31 21 Q I downgraded. What do you mean?

13:06:31 22 A Yeah, your attitude. Your attitude. The
13:06:33 23 same one that you've been exemplifying as of now.

13:06:33 24 Q And how would you describe that attitude,
13:06:37 25 sir?

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KEITH THORNTON, JR. - June 10, 2013

120

13:06:50 1 A Very nasty, ma'am.

13:06:50 2 Q All right. You saw the man throw the

13:06:50 3 bottle, run south. And while he was running, he was on
13:06:51 4 his cell phone?

13:06:54 5 A Correct.

13:06:59 6 Q And did he wait at the intersection of
13:07:01 7 Potomac and Menard?

13:07:02 8 A It wasn't at the intersection. It wasn't
13:07:06 9 at an intersection. It was across the street on the south
13:07:11 10 side of the street, and there's no intersection there.

13:07:14 11 They're -- it's -- it was some type of
13:07:18 12 property there, and he was right there in -- at the -- at
13:07:20 13 the curb on the street, standing there on the phone
13:07:24 14 looking to see where he was at.

13:07:26 15 Q Okay. I'm -- I'm confused. There is an
13:07:29 16 intersection at Potomac and Menard; right?

13:07:33 17 A He wasn't at the intersection, ma'am.

13:07:34 18 Q Okay. Where -- after -- when he was
13:07:38 19 talking on the phone, did he go to a corner somewhere?

13:07:42 20 A He went to the south side of -- if it's
13:07:45 21 Potomac, he went to the south side of Potomac while
13:07:49 22 standing in the street closest to the curb, and he was
13:07:52 23 west of that location. So he was not directly at the
13:07:54 24 corner.

13:07:55 25 Q He was west of Menard?

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KEITH THORNTON, JR. - June 10, 2013

121

13:07:59 1 A That is correct, by like a half of a house
 13:08:02 2 length, which is not at the curb.
 13:08:07 3 Q Is it -- did the SUV come from the east or
 13:08:08 4 from the west?
 13:08:10 5 A It came from the west.
 13:08:14 6 Q It came from the west and picked him up at
 13:08:17 7 the corner of Potomac and Menard?
 13:08:19 8 A It wasn't at the corner. It was a house
 13:08:20 9 length away from the corner.
 13:08:21 10 Q All right.
 13:08:23 11 MS. DYM KAR: Could we take a five- or
 13:08:25 12 ten-minute break?
 13:08:26 13 MS. PINKSTON: Sure.
 13:08:28 14 MS. DYM KAR: All right. Is that okay at
 13:08:33 15 your end?
 13:08:33 16 THE COURT REPORTER: Yeah.
 13:08:33 17 MS. DYM KAR: Ms. Wong?
 13:08:33 18 THE COURT REPORTER: Yes.
 13:08:35 19 THE VIDEOGRAPHER: This marks the end of
 13:08:39 20 Videotape No. 2 in the deposition of Mr. Keith Thornton.
 13:08:42 21 We're going off the record, and the time is 1:08 p.m.
 13:50:00 22 (Brief recess.)
 13:50:27 23 THE VIDEOGRAPHER: We are back on the
 13:50:30 24 record at 1:50 p.m., and this marks the beginning of
 13:50:37 25 Videotape No. 3 in the deposition of Mr. Keith Thornton.

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KEITH THORNTON, JR. - June 10, 2013

122

13:50:39 1 Q BY MS. DYM KAR: Mr. Thornton, we just had a
 13:50:43 2 -- a lunch break. Did you speak to Ms. Pesha or
 13:50:45 3 Ms. Pinkston during the lunch break?
 13:50:49 4 A No, ma'am.
 13:50:52 5 Q Back to when you saw this man with
 13:50:58 6 dreadlocks throw the bottle, you said that he was in -- in
 13:51:02 7 front of your vehicle; is that correct?
 13:51:03 8 A That's correct, ma'am.
 13:51:05 9 Q So his back was to you as he was throwing
 13:51:06 10 the bottle?
 13:51:09 11 MS. PINKSTON: Objection. Leading and
 13:51:11 12 mischaracterizes prior testimony.
 13:51:15 13 Q BY MS. DYM KAR: Was his back to you?
 13:51:17 14 A Yes, it was, ma'am.
 13:51:19 15 Q And then after he threw the bottle, he
 13:51:25 16 turned around and -- you said he ran towards the corner of
 13:51:27 17 Potomac and Menard?
 13:51:31 18 A That is correct.
 13:51:35 19 Q As he ran past your car, was he running
 13:51:38 20 past the driver's side or the passenger's side?
 13:51:40 21 A I already told you that. It was on the
 13:51:44 22 driver's side, ma'am. My vehicle was parked to the right
 13:51:45 23 of the street.
 13:51:48 24 Q Did he stop at the -- the driver's door?
 13:51:51 25 A I did not say that.

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KEITH THORNTON, JR. - June 10, 2013

123

13:51:53 1 Q So the answer is "no"?

13:51:54 2 A The answer is "no." He took off running

13:51:59 3 from the front of the vehicle and continued to run until

13:52:06 4 he stopped at the intersection.

13:52:08 5 Q Did you finish the sentence? Because we

13:52:09 6 didn't hear anything.

13:52:10 7 A I did finish the sentence.

13:52:13 8 Q All right. How did you end the sentence?

13:52:16 9 Because you said he was running and then it went -- we

13:52:19 10 didn't hear anything.

13:52:21 11 A He was in front as he threw the bottle

13:52:26 12 standing in a position, and he turned around and proceeded

13:52:30 13 southbound from that location passing my driver's door,

13:52:34 14 while I was backing up at that time, now, and he went to

13:52:38 15 the corner to -- at that time.

13:52:42 16 Q When he ran past your car, was he on the

13:52:44 17 phone at that time?

13:52:45 18 MS. PINKSTON: Objection. Asked and

13:52:45 19 answered.

13:52:47 20 THE WITNESS: I told you before several

13:52:51 21 times, he was on the phone at that point. As soon as he

13:52:55 22 turned around and started jogging back, he opened up his

13:52:57 23 phone, and he was on the phone all the way through the

13:53:04 24 entire time he was standing a half of a house away from

13:53:06 25 the intersection there.

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KEITH THORNTON, JR. - June 10, 2013

124

13:53:08 1 Q BY MS. DYMCHAR: Okay. Was he holding the

13:53:10 2 phone in his left hand or right hand?

13:53:14 3 A I don't recall.

13:53:17 4 Q How long did he wait at Potomac and Menard

13:53:21 5 -- or near the intersection of Potomac and Menard before

13:53:24 6 this SUV came by?

13:53:27 7 A At least 30 seconds to 40 seconds. It was

13:53:28 8 very quick.

13:53:36 9 Q And when you backed up into Potomac, which

13:53:41 10 way were you turned? Were you turned towards the east?

13:53:43 11 A When I was backing up, I was still facing

13:53:45 12 northbound.

13:53:49 13 Q Right. And, then, when you got to Potomac,

13:53:50 14 which direction did your car go?

13:53:57 15 A My vehicle -- the rear end of my vehicle

13:53:58 16 would have been going to the left of me, which is west.

13:54:00 17 So I was facing east.

13:54:03 18 Q Okay. So did you pull up in front of this

13:54:05 19 man who was throwing the bottle?

13:54:07 20 A No, I had not. I stayed on the north part

13:54:11 21 of the street while the SUV was picking him up at that

13:54:12 22 time.

13:54:15 23 Q And he got into the back of the SUV?

13:54:18 24 A He did, on the right side behind the

13:54:26 25 passenger.

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KEITH THORNTON, JR. - June 10, 2013

125

13:54:28 1 Q Did you make eye contact with him at the
13:54:29 2 corner of --

13:54:32 3 A No, I did not. He did not see me. He
13:54:35 4 didn't care. He just wanted to get into the vehicle and
13:54:37 5 get away from the crime he had just committed.

13:54:38 6 Q Did you have a discussion with him about
13:54:41 7 this --

13:54:44 8 A I never talked to him.

13:54:44 9 THE COURT REPORTER: Wait. Can you just
13:54:44 10 please wait for her to finish.

13:54:48 11 THE WITNESS: Never spoke with him.

13:54:49 12 Q BY MS. DYM KAR okay. Now, the three people
13:54:54 13 who were in this dark-colored SUV, were they -- had you
13:54:58 14 seen any of them at the 1300 block of North Menard?

13:54:59 15 MS. PINKSTON: Objection. Form,
13:55:02 16 mischaracterizes prior testimony, and leading as to the
13:55:05 17 color of the vehicle.

13:55:08 18 MS. DYM KAR: I'm allowed to lead, so --

13:55:10 19 MS. PINKSTON: I'm also allowed to make my
13:55:12 20 form objections, and this is a leading question.

13:55:13 21 MS. DYM KAR: And you're also giving a
13:55:15 22 speaking objection, and I would object to that.

13:55:19 23 Q BY MS. DYM KAR: Sir, did you -- did you see
13:55:22 24 any of the -- the three people who were in the vehicle?

13:55:27 25 A Not until the point until we arrived at the

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KEITH THORNTON, JR. - June 10, 2013

126

13:55:28 1 police station.

13:55:29 2 Q Were they men?

13:55:32 3 A I believe they were all men, yes.

13:55:34 4 Q Had you seen them on the 1300 block of
13:55:35 5 North Menard?

13:55:41 6 A No, I did not.

13:55:45 7 Q What happened after this dark-colored SUV
13:55:49 8 picked up the man who had thrown the bottle?

13:55:50 9 MS. PINKSTON: Objection. Form, leading,
13:55:55 10 mischaracterizes prior testimony.

13:55:57 11 THE WITNESS: They went down a side street,
13:56:01 12 stopped there for several seconds, as stated. Whatever
13:56:07 13 street that is from that point, which is an east-west
13:56:09 14 street, they went west, which I believe is Central now,
13:56:14 15 and then proceeded southbound on Central at a -- driving
13:56:19 16 at the right speeds, stopping at the lights and stop
13:56:26 17 signs. And I stayed on the line with the 911 call-taker
13:56:28 18 giving the description of everything I saw at that point,
13:56:30 19 including the license plate.

13:56:30 20 Q BY MS. DYM KAR: Okay. I'm a little
13:56:34 21 confused about where -- was the -- the car was eastbound
13:56:38 22 on Potomac. Did it continue on Potomac all the way to
13:56:39 23 Central, or --

13:56:39 24 A I --

13:56:42 25 Q You said something about a side street.

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KEITH THORNTON, JR. - June 10, 2013

127

13:56:44 1 I'm confused as to where the side street comes in.
 13:56:47 2 A Ma'am, I stated to you, on Potomac, the
 13:56:50 3 very first street, which is east -- excuse me -- yeah,
 13:56:57 4 east of Menard, which you stated was Massasoit, they
 13:57:03 5 turned right onto there, which would be going southbound,
 13:57:09 6 and stopped.

13:57:11 7 Q Okay. I asked you if it was Massasoit.
 13:57:13 8 Was it Massasoit? I don't want to put words in your
 13:57:13 9 mouth.

13:57:16 10 A Whatever street that is, that's the street
 13:57:18 11 that it was, the side street, the very first street that
 13:57:19 12 is just east of Menard.

13:57:22 13 Q Did it go down the wrong way down Massasoit
 13:57:24 14 or the right way down Massasoit?

13:57:26 15 A I don't recall. I want to say that it was
 13:57:28 16 the right way. I don't even recall if it was a two-way,
 13:57:31 17 but I want to say it was the right way.

13:57:32 18 Q Okay. You don't know whether it was
 13:57:34 19 one-way or two-way?

13:57:40 20 A I do not recall.

13:57:43 21 Q Was Potomac one-way or two-way?

13:57:44 22 A I believe -- and I stated that before, I
 13:57:49 23 believe it was going northbound.

13:57:52 24 Q Potomac is an east-west street, correct?

13:57:53 25 A Or -- excuse me. Yeah, that's east-west.

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KEITH THORNTON, JR. - June 10, 2013

128

13:57:55 1 Menard is what I'm speaking of.

13:57:57 2 Q Okay. What about Potomac?

13:58:02 3 A I do not recall that one, ma'am.

13:58:06 4 Q But the car was going east on Potomac --

13:58:06 5 A That's --

13:58:07 6 Q -- went to Massasoit, turned right on

13:58:08 7 Massasoit?

13:58:08 8 A That is correct.

13:58:12 9 Q Then turned left on Division -- left or
 13:58:14 10 east on Division?

13:58:19 11 A The very first street from Massasoit, the
 13:58:26 12 south street -- I don't know what street that is. It
 13:58:27 13 didn't go all -- I don't know -- I don't see the streets
 13:58:27 14 on here.

13:58:32 15 Q Okay. Could you -- could you look at the
 13:58:33 16 map?

13:58:36 17 A I'm looking at the map.

13:58:37 18 Q Okay.

13:58:38 19 MS. PINKSTON: I'm just going to object to
 13:58:41 20 referring to the map, because the street that we're
 13:58:44 21 referring to as Massasoit is not labeled on this map.

13:58:45 22 MS. DYM KAR: Well, we'll just call it the
 13:58:49 23 first street to the east, then, and everybody will be
 13:58:49 24 happy.

13:58:53 25 Q BY MS. DYM KAR The first street to the

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KEITH THORNTON, JR. - June 10, 2013

129

13:58:58 1 east, they went down that street? Am I correct that they

13:59:00 2 went down -- the SUV went to Division?

13:59:02 3 A Correct.

13:59:07 4 Q And then this dark SUV turned east on

13:59:07 5 Division?

13:59:08 6 MS. PINKSTON: Objection. Mischaracterizes

13:59:09 7 prior testimony --

13:59:11 8 THE WITNESS: No. No, ma'am.

13:59:13 9 MS. PINKSTON: -- as to color.

13:59:13 10 THE WITNESS: No, ma'am.

13:59:15 11 Q BY MS. DYM KAR: Okay. Which way on -- on

13:59:17 12 Division did it go?

13:59:19 13 A I don't know if it were Division or not,

13:59:23 14 but I know they went down to Central.

13:59:25 15 Q From looking at this map, can you tell from

13:59:27 16 this map what street --

13:59:35 17 A No, I cannot.

13:59:38 18 Q Okay. I'm real confused, then. You're

13:59:43 19 saying possibly it was Thomas, looking at this map?

13:59:46 20 A Yes, it could have. I don't recall.

13:59:59 21 Q Okay. So the car -- the SUV went south on

13:59:59 22 the street east of Menard, and it turned east on Division

14:00:01 23 or Thomas?

14:00:02 24 A That's correct. And then turned onto

14:00:05 25 Central and went southbound.

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KEITH THORNTON, JR. - June 10, 2013

130

14:00:09 1 Q And you followed the car down Massasoit --

14:00:14 2 or excuse me -- down the street that's to the east of

14:00:15 3 Menard?

14:00:15 4 A That's correct.

14:00:19 5 Q So you went south on that street, and then

14:00:23 6 you continued to either Division or Thomas, and turned

14:00:27 7 east on either Division or Thomas?

14:00:30 8 A That is correct.

14:00:35 9 Q How far were you from the SUV when you were

14:00:38 10 going down the street to east of Menard?

14:00:48 11 A No more than two car lengths, ma'am.

14:00:51 12 Q Are there speed bumps on that street

14:00:51 13 that's --

14:00:54 14 A I don't recall, and I don't think there

14:00:56 15 were.

14:00:59 16 Q You have to wait until I ask my question.

14:00:59 17 Okay?

14:01:01 18 A Well, I thought it was complete.

14:01:04 19 Q Well, it wasn't. Are there speed bumps on

14:01:11 20 the street to the east of Menard? I'm done.

14:01:15 21 A Thank you. I don't know.

14:01:17 22 Q Now, you said you were talking to the

14:01:24 23 dispatcher. From the time you first called 911, you just

14:01:26 24 stayed on the phone with the dispatcher?

14:01:28 25 A Negative. I was speaking to a call-taker,

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KEITH THORNTON, JR. - June 10, 2013

131

14:01:30 1 and I stayed on line with the call-taker.

14:01:32 2 Q What's your understanding of the difference

14:01:33 3 between a call-taker and a dispatcher?

14:01:36 4 A Call-taker takes the calls. Dispatcher is

14:01:38 5 completely different.

14:01:42 6 Q So the call-taker -- did you -- are you

14:01:47 7 familiar with how communication -- 911 communication is

14:01:50 8 done on the police communication?

14:01:52 9 A Not in Chicago, ma'am.

14:01:53 10 Q Pardon me?

14:02:01 11 A Not in Chicago.

14:02:03 12 Q Did you ever talk to a dispatcher?

14:02:05 13 A No, I did not. I spoke to the call-taker.

14:02:09 14 When you call 911, the person that picks up is the

14:02:15 15 call-taker, and I stayed on the line with her.

14:02:26 16 Q You followed this SUV down Central. Now,

14:02:34 17 is there a light at Central in Augusta?

14:02:36 18 A I'm quite sure there is a light.

14:02:39 19 Q Was the light green or red?

14:02:45 20 A I don't recall.

14:02:47 21 Q As you were riding behind this car, could

14:02:51 22 you see to the west four individuals in the car?

14:02:52 23 A Yes, I could.

14:02:55 24 Q So there were two in front and two in back?

14:03:01 25 A That is correct.

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KEITH THORNTON, JR. - June 10, 2013

132

14:03:04 1 Q Now, when you got to Central and Chicago

14:03:07 2 Avenue, was there a light there?

14:03:11 3 A There is a light there.

14:03:13 4 Q Was it green or was it red?

14:03:14 5 A Don't recall.

14:03:17 6 Q Was there any point when there was a red

14:03:19 7 light that you were pulled up behind this car?

14:03:23 8 A I don't recall. I'm not going to say

14:03:26 9 something I don't know at this point in time.

14:03:29 10 Q Do you recall anything about the license

14:03:31 11 number that you gave to the call-taker?

14:03:35 12 A I do not recall.

14:03:37 13 Q Was it an Illinois plate?

14:03:40 14 A It was an Illinois plate. Yes, it was.

14:03:51 15 Q When the dark-color SUV got to the

14:03:52 16 (inaudible), did it stay on Central?

14:03:56 17 MS. PINKSTON: Objection. Misleading and

14:03:57 18 mischaracterizes prior testimony as to the color of the

14:03:58 19 SUV.

14:04:00 20 THE WITNESS: It stayed on Central the

14:04:03 21 whole way down to Madison. Madison was the first time

14:04:03 22 that it ever went to a different street, which was

14:04:04 23 Madison.

14:04:05 24 Q BY MS. DYM KAR: What was the farthest that

14:04:07 25 you were behind this vehicle?

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KEITH THORNTON, JR. - June 10, 2013

133

14:04:10 1 A Stated, two vehicle lengths, ma'am.

14:04:12 2 Q Okay. You were never more than two

14:04:13 3 vehicles behind?

14:04:14 4 A That's correct. And there was no traffic

14:04:15 5 on the street.

14:04:18 6 Q Was there ever any time when a vehicle got

14:04:21 7 between you and the car in front of you?

14:04:25 8 A Negative.

14:04:29 9 Q So the SUV then turned down Madison, west

14:04:29 10 on Madison?

14:04:32 11 A That is correct. It stopped and made a

14:04:39 12 right-hand turn that was legal and proceeded westbound in

14:04:43 13 the most northern lane of Madison, and it stopped right

14:04:48 14 across the street from the police station.

14:04:50 15 Q And were you still on the phone with the

14:04:50 16 call-taker?

14:04:52 17 A Yes, I was.

14:04:54 18 Q Now, what information had you given to the

14:05:00 19 call-taker? You said that you had given the call-taker a

14:05:02 20 description of the man who had thrown the bottle?

14:05:02 21 A That's correct.

14:05:04 22 Q And you said that it had hit a female

14:05:12 23 officer, I guess, knocking her -- not knocking her over,

14:05:15 24 but hitting her on the head, right?

14:05:16 25 MS. PINKSTON: Objection. Mischaracterizes

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KEITH THORNTON, JR. - June 10, 2013

134

14:05:16 1 prior testimony.

14:05:20 2 Q BY MS. DYM KAR: Did you say that it hit --

14:05:21 3 a bottle hit the officer in the head?

14:05:24 4 A Yes, I did.

14:05:26 5 Q And did you give a description of the

14:05:28 6 vehicle that you were following?

14:05:30 7 A Yes, I did.

14:05:32 8 Q And you gave a license number?

14:05:33 9 A Yes, I did.

14:05:35 10 Q And did you say that there were four

14:05:35 11 individuals in the vehicle?

14:05:38 12 A Yes, I did.

14:05:42 13 Q Now, I know we talked before about the

14:05:48 14 description of the man who was -- who threw the bottle.

14:05:55 15 You know what description you gave to the call-taker? Did

14:05:56 16 you give a height and weight?

14:05:57 17 MS. PINKSTON: Objection. Asked and

14:06:00 18 answered.

14:06:03 19 THE WITNESS: Ma'am, I'm sure she asked me

14:06:04 20 at that point, "Could you describe him." That's what I

14:06:13 21 described. I can't recall at this time.

14:06:14 22 Q BY MS. DYM KAR: What did you see -- what

14:06:21 23 were your observations of this SUV when it was in front of

14:06:23 24 the 15th District Police Department?

14:06:23 25 A It actually pulled up. I crossed the

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KEITH THORNTON, JR. - June 10, 2013

135

14:06:26 1 street, north side of the street. There was a car. I
 14:06:29 2 don't know what type of car, but it was parked. It had
 14:06:33 3 its music playing, and there were several individuals
 14:06:35 4 there. I don't even -- I don't know if it was two or
 14:06:38 5 three of them. I don't know the individuals, but they
 14:06:43 6 were African-American, and they were basically -- once
 14:06:46 7 they pulled up, they apparently knew them as friends, I
 14:06:50 8 would assume. And I -- they all got out. The SUV parked
 14:06:53 9 right behind them -- backed up, parked behind them. They
 14:06:57 10 got out and just started dancing around.

14:06:58 11 Q Okay. Now, when you say "dancing," are you
 14:07:03 12 really -- are you really referring to dancing? I mean,
 14:07:09 13 are you just sort of describing the way they were walking,
 14:07:11 14 or were they actually dancing?

14:07:12 15 A I don't understand your question.

14:07:14 16 Q They were dancing; right? They were
 14:07:15 17 playing music and they were dancing -- they were actually
 14:07:16 18 dancing; right?

14:07:17 19 A Yes, ma'am.

14:07:21 20 Q Okay. So in the first car, you said there
 14:07:24 21 were two or three African-American men. They were already
 14:07:26 22 outside the car when -- when the SUV pulled up?

14:07:30 23 A No. They -- from what I recall, their
 14:07:33 24 windows were down, their music was playing, and they
 14:07:36 25 pulled up on a side of the vehicle. Those individuals,

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KEITH THORNTON, JR. - June 10, 2013

136

14:07:41 1 who I do not -- can't -- can't describe them, they were
 14:07:44 2 inside the vehicle, and all got out once the SUV pulled
 14:07:46 3 up.

14:07:49 4 Q Okay. You said that the SUV backed into a
 14:07:51 5 place behind the car that was already there?

14:07:54 6 A It pulled directly on the side of it, which
 14:07:58 7 was the left side of the parked vehicle. They talked for
 14:08:03 8 maybe a second. They backed up, and then they were in the
 14:08:07 9 rear of the parked vehicle. And then they all got out,
 14:08:11 10 walked up to the left side, which is in the -- in the
 14:08:15 11 street of Madison, and they were dancing to the music
 14:08:18 12 coming from the vehicle of the car that was originally
 14:08:20 13 parked there.

14:08:26 14 Q Were the two cars in parking spaces?

14:08:27 15 A I don't -- what do you mean by "parking
 14:08:30 16 spaces"? They were at the corner, and they were parked
 14:08:34 17 where -- like where a bus would come.

14:08:37 18 Q Were they parked in a bus lane?

14:08:37 19 A I don't --

14:08:39 20 Q Were they near a bus stop?

14:08:41 21 A It was towards the corner right there.

14:08:44 22 Q Okay. Were they in parking places?

14:08:47 23 MS. PINKSTON: Objection. Foundation.

14:08:47 24 THE WITNESS: I just answered that
 14:08:48 25 question, ma'am.

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KEITH THORNTON, JR. - June 10, 2013

137

14:08:50 1 Q BY MS. DYM KAR: Were they in the parking
 14:08:53 2 lane, or were they in a traffic lane?
 14:08:56 3 A They were not in a traffic lane.
 14:09:01 4 Q Okay. In -- on Madison, there is -- there
 14:09:03 5 is a median in the middle of the road; right?
 14:09:04 6 A That's correct.
 14:09:06 7 Q And north of the median, there are two
 14:09:08 8 traffic lanes and a parking lane; right?
 14:09:09 9 A That is correct.
 14:09:11 10 Q And south of the median, there are two
 14:09:13 11 traffic lanes and a parking lane; right?
 14:09:16 12 A Yes, that is correct.
 14:09:19 13 Q Now, were there any other cars parked in
 14:09:24 14 that parking lane near where these two cars were parked?
 14:09:26 15 A No, not at all.
 14:09:30 16 Q No? It was totally unparked?
 14:09:32 17 A Yes, it was. No other vehicles were
 14:09:34 18 there.
 14:09:36 19 MS. PINKSTON: I'm just going to object to
 14:09:40 20 mischaracterizing prior testimony as to the parking lane.
 14:09:41 21 Q BY MS. DYM KAR: The other car that was
 14:09:46 22 there, do you recall whether -- what color that car was?
 14:09:49 23 A Don't recall it. At that time, I saw that
 14:09:51 24 they were parking, and then that's when I got off the
 14:09:54 25 phone, and I just went over the median into the station

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KEITH THORNTON, JR. - June 10, 2013

138

14:10:00 1 and said, "Here's your guys, right here."
 14:10:04 2 Q Now, the two or three people -- two or
 14:10:07 3 three African-American men who were in the car that was
 14:10:13 4 already in front of the 15th District, did you recognize
 14:10:17 5 any of them as having been on the 1300 block of North
 14:10:17 6 Menard?
 14:10:20 7 A No, I did not.
 14:10:22 8 Q Now, you -- you did park your car before
 14:10:24 9 you went into the 15th District; right?
 14:10:25 10 A Yes, I did.
 14:10:26 11 Q Where did you park your car?
 14:10:30 12 A I believe there was a funeral home also on
 14:10:32 13 the north side of the street. I parked it right down
 14:10:34 14 there.
 14:10:36 15 Q Okay. Is that approximately a half a block
 14:10:40 16 away from the two cars that were across from the police
 14:10:41 17 station?
 14:10:43 18 A It's towards the middle of the block, right
 14:10:50 19 across from the doors of the station, yes, ma'am.
 14:10:58 20 Q Did you see four individuals get out of the
 14:10:59 21 SUV?
 14:11:02 22 A Yes, I did.
 14:11:04 23 Q Okay. And they began dancing in the street
 14:11:05 24 too?
 14:11:07 25 A They began dancing right at the car with

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KEITH THORNTON, JR. - June 10, 2013

139

14:11:10 1 the rest of the several individuals that were in the car
 14:11:13 2 as well.
 14:11:19 3 Q So they were dancing in the traffic lanes?
 14:11:21 4 A That is correct, as oddly as it seems.
 14:11:25 5 Q Did they have any bottles in their hands?
 14:11:30 6 A No, they did not.
 14:11:33 7 Q Do you recall telling me on May 4, 2013
 14:11:36 8 that these men had bottles in their hands?
 14:11:43 9 A No, I did not.
 14:11:45 10 Q When you're parked half a block away, you
 14:11:47 11 then said you went into the police station?
 14:11:49 12 A That is correct.
 14:11:50 13 Q Did you talk to any officers before you
 14:11:51 14 went into the station?
 14:11:54 15 A Yes, I did. Whoever was at the counter.
 14:11:56 16 Q Okay. Before you got into the station, did
 14:11:57 17 you talk to any officers?
 14:12:00 18 A No. There was no officers outside of the
 14:12:03 19 police station.
 14:12:06 20 Q Once you entered the police station, who
 14:12:07 21 did you speak to?
 14:12:09 22 A I don't know who I spoke to, but it was a
 14:12:14 23 person that was at the desk, and I informed them what was
 14:12:16 24 going on. They said, "Give me a second," and all I know
 14:12:21 25 is they -- who I recall is a lieutenant came out, who was

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KEITH THORNTON, JR. - June 10, 2013

140

14:12:25 1 a female. I believe she was Caucasian.
 14:12:28 2 And those were really the only two that I
 14:12:30 3 had spoken to at that point.
 14:12:32 4 Q Okay. The person at the desk, was that
 14:12:34 5 person wearing a white shirt?
 14:12:36 6 A No.
 14:12:38 7 Q So a blue shirt?
 14:12:38 8 A That is correct.
 14:12:39 9 Q Do you know the name of the person you
 14:12:41 10 spoke to when you first entered the police station?
 14:12:45 11 A I do not.
 14:12:47 12 Q That person said, "Just a minute," and then
 14:12:50 13 a -- you said a lieutenant came out. Are you sure that it
 14:12:54 14 was a lieutenant, not a sergeant?
 14:12:56 15 A I don't recall. I definitely believe it
 14:12:57 16 was a lieutenant.
 14:12:58 17 Q Do you recall her name?
 14:13:00 18 A No, I do not.
 14:13:02 19 Q Did she have a name tag on?
 14:13:03 20 A I'm quite sure she did.
 14:13:07 21 Q Do you recognize the name Sara McDermott?
 14:13:11 22 A No, I do not.
 14:13:13 23 Q What, if anything, did she say to you and
 14:13:15 24 what did you say to her?
 14:13:19 25 A I told her exactly what I told you, "There

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KEITH THORNTON, JR. - June 10, 2013

141

14:13:26 1 are a lot of police officers on Menard. I don't know what
 14:13:31 2 was going on, but the individual that threw a" -- "threw a
 14:13:34 3 bottle and struck an officer. And I've been on the phone
 14:13:39 4 with 911 from that point, and they just drove and they're
 14:13:42 5 right outside, across the street parked, and they're
 14:13:43 6 dancing."

14:13:46 7 And she said, "Give me a second." She
 14:13:51 8 verified something on the radio. And, then, at that time,
 14:13:57 9 they had me sit down into a room, and that was it.

14:13:59 10 Q Okay. I'm a little confused, because you
 14:14:03 11 said to her that you saw an individual who threw a bottle
 14:14:05 12 and struck a police officer, right?

14:14:05 13 A Correct.

14:14:07 14 Q And then you said, "They are across the
 14:14:11 15 street." You were really talking about one individual who
 14:14:14 16 you had seen do something that you believed to be wrong?

14:14:14 17 A That's correct.

14:14:16 18 MS. PINKSTON: Objection. Leading and
 14:14:20 19 mischaracterizes prior testimony.

14:14:20 20 THE WITNESS: The individual --

14:14:22 21 Q BY MS. DYMKA: When you're talking to
 14:14:25 22 Lieutenant McDermott, were you still on the phone with --
 14:14:26 23 with the 911 call-taker?

14:14:28 24 A No. I hung up and said, "I'm in a police
 14:14:29 25 station now."

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KEITH THORNTON, JR. - June 10, 2013

142

14:14:31 1 Q This conversation with the lieutenant, did
 14:14:35 2 it take place in -- in the lobby, or did you come -- go to
 14:14:36 3 any inner room or inner office?

14:14:41 4 A It was in the lobby. In the lobby.

14:14:43 5 Q Was anyone else present when you were
 14:14:46 6 speaking to the lady lieutenant?

14:14:48 7 A Honesty, I don't recall.

14:14:49 8 Q Was she taking any notes while she was
 14:14:52 9 talking to you?

14:14:57 10 A I don't recall that.

14:15:02 11 Q From where you were talking to the lady
 14:15:06 12 lieutenant, were there -- were there windows through which
 14:15:07 13 you could see the outside?

14:15:09 14 A Yes, there were.

14:15:12 15 Q And you saw these two cars across the
 14:15:13 16 street still there?

14:15:14 17 A Yes, ma'am.

14:15:18 18 Q And the four individuals from the dark SUV
 14:15:21 19 and the two to three individuals from the other vehicle
 14:15:24 20 were still outside dancing?

14:15:25 21 MS. PINKSTON: Objection. Leading as to
 14:15:29 22 color of SUV and mischaracterizes prior testimony.

14:15:31 23 THE WITNESS: I know that the two cars were
 14:15:34 24 still there and individuals were standing at that time
 14:15:36 25 near the -- near the first vehicle.

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KEITH THORNTON, JR. - June 10, 2013

143

14:15:39 1 Q BY MS. DYM KAR: "First vehicle" meaning the
 14:15:43 2 vehicle who had -- was there before the SUV got there?
 14:15:44 3 A That's correct.
 14:15:46 4 Q Okay. So they weren't dancing anymore.
 14:15:48 5 They were standing at this point?
 14:15:49 6 A Yes. And at that point, I wasn't paying
 14:15:52 7 attention to them. I was giving exactly what happened,
 14:15:56 8 and they had me sit in a room.
 14:15:59 9 Q Okay. Did this lady lieutenant ever take
 14:16:00 10 you into her office?
 14:16:01 11 A No, ma'am.
 14:16:03 12 Q Did you ever go into a watch commander's
 14:16:05 13 office?
 14:16:09 14 A No. No, ma'am.
 14:16:12 15 Q You said something about she got on the
 14:16:18 16 radio to verify something. What did you hear her say into
 14:16:19 17 the radio?
 14:16:21 18 A Don't recall. All I know is she got on the
 14:16:23 19 radio.
 14:16:25 20 Q Did she acknowledge that she knew what you
 14:16:29 21 were talking about when you mentioned a disturbance on
 14:16:29 22 North Menard?
 14:16:37 23 A Yes, she did.
 14:16:37 24 Q So -- okay. When she got on the radio, did
 14:16:38 25 you hear any of her conversation with whoever she was

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KEITH THORNTON, JR. - June 10, 2013

144

14:16:39 1 speaking to on the radio?
 14:16:42 2 A At that point, I -- I heard her talking. I
 14:16:44 3 don't know about the system out there, but she was
 14:16:49 4 speaking to someone, and they said something did take
 14:16:50 5 place.
 14:16:52 6 And at that time, I did know that it wasn't
 14:16:56 7 in her district. And she got back on the radio and said,
 14:17:01 8 "Okay. Well, we have a potential suspect here with the
 14:17:05 9 guy telling us he brought him here."
 14:17:10 10 And that's all I recall.
 14:17:12 11 Q What made you think that this took place in
 14:17:15 12 another district?
 14:17:17 13 A Because I know where I lived at, 25th
 14:17:24 14 District.
 14:17:25 15 Q Do you know at all who the lady lieutenant
 14:17:27 16 was speaking to?
 14:17:28 17 A No, I do not.
 14:17:30 18 Q Did she say anything to you after she
 14:17:32 19 spoke?
 14:17:34 20 A No. Just for my information and just to
 14:17:38 21 take a seat, and if I would like to identify, because I
 14:17:41 22 said it was not all of the individuals over there. It was
 14:17:46 23 one individual who I -- who I now know as David Wilbon
 14:17:47 24 with the dreadlocks.
 14:17:49 25 And she said, "Well, you would have to do a

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KEITH THORNTON, JR. - June 10, 2013

145

14:17:53 1 show-up." And I sat in there. And she said, "Just stay
 14:17:56 2 here while we investigate a few things, and we'll come and
 14:17:59 3 get you."
 14:18:01 4 Q How long was this conversation that you had
 14:18:03 5 with the lady lieutenant in the lobby?
 14:18:14 6 A I would say about a minute and a half.
 14:18:19 7 Q Did you tell her that the female officer
 14:18:21 8 had actually been hit in the head?
 14:18:24 9 A I did tell her, yes, I did.
 14:18:26 10 Q All right. Do you know whether she knew
 14:18:28 11 the name of this female officer?
 14:18:34 12 A No, I don't think she did.
 14:18:36 13 Q You said, at that point, after you finished
 14:18:40 14 talking to her, you were put in a room -- you were put in
 14:18:40 15 a room?
 14:18:44 16 A I was, with computers. I don't know what
 14:18:47 17 kind of room it was, but it was with other computers, and
 14:18:51 18 two other officers were taking reports.
 14:18:53 19 Q Did you go outside with the lady
 14:18:53 20 lieutenant?
 14:18:55 21 A No, I didn't. They had me stay there the
 14:18:59 22 entire time, ma'am.
 14:19:01 23 Q Okay. You didn't go out with, like, the
 14:19:04 24 lady lieutenant or any -- any officer, right?
 14:19:08 25 A For this part, I did not. I did wind up

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KEITH THORNTON, JR. - June 10, 2013

146

14:19:12 1 going to a -- after some time went on, I did go out to do
 14:19:18 2 a field show-up, yes, I did.
 14:19:21 3 Q I'm trying to get the sequence of what
 14:19:24 4 happened. They put you in a room. What did you do in
 14:19:25 5 that room?
 14:19:26 6 A I sat there.
 14:19:29 7 Q Had anybody -- strike that. Had the
 14:19:32 8 lieutenant asked you your name?
 14:19:35 9 A Yes. They took my ID.
 14:19:37 10 Q The lieutenant took your ID?
 14:19:38 11 A That's correct.
 14:19:39 12 Q That was your driver's license?
 14:19:45 13 A That is correct.
 14:19:46 14 Q And you were in a room with computers. You
 14:19:49 15 said there were a couple of officers doing some -- some
 14:19:51 16 paperwork of some sort?
 14:19:51 17 A Correct.
 14:19:54 18 Q Were they doing any paperwork having to do
 14:19:55 19 with the reason you were there?
 14:19:57 20 A I would -- I would highly doubt that,
 14:19:58 21 ma'am.
 14:20:00 22 Q Okay. They were -- they were engaged in --
 14:20:01 23 in some other paperwork.
 14:20:02 24 Did they talk to you?
 14:20:04 25 A No, ma'am.

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KEITH THORNTON, JR. - June 10, 2013

147

14:20:05 1 Q How long were you in -- sitting in this
 14:20:07 2 room?
 14:20:09 3 A I don't recall, but I would say probably a
 14:20:17 4 good 20, 25 minutes, ma'am.
 14:20:20 5 Q During that 20 to 25 minutes, did any
 14:20:21 6 officers speak to you at all?
 14:20:23 7 A That is correct.
 14:20:24 8 Q They did not?
 14:20:25 9 A They did.
 14:20:26 10 Q They did?
 14:20:27 11 A Yes.
 14:20:30 12 Q Okay. So during the 20 to 25 minutes, who
 14:20:31 13 spoke to you?
 14:20:33 14 A A female officer came to me with her
 14:20:37 15 partner, who was a male, and she said that, "Would you
 14:20:41 16 like to come with us? We're going to put you in the back
 14:20:44 17 seat of our squad car, go around the block. The
 14:20:46 18 individuals that are standing at the vehicle, we just want
 14:20:51 19 you to identify who threw the bottle."
 14:20:54 20 I said, "Okay. Not a problem."
 14:20:55 21 Q Okay. What was the name of the female
 14:20:56 22 officer?
 14:20:56 23 A I don't recall.
 14:20:59 24 Q What did she look like?
 14:21:00 25 A I don't recall. I want to say she was

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KEITH THORNTON, JR. - June 10, 2013

148

14:21:03 1 Caucasian. Don't recall.
 14:21:04 2 Q How old was she?
 14:21:07 3 A Don't recall.
 14:21:09 4 Q What color was her hair?
 14:21:15 5 A Don't recall.
 14:21:17 6 Q How tall was she?
 14:21:18 7 A Don't recall, ma'am.
 14:21:19 8 Q Was she in a uniform?
 14:21:20 9 A Yes, she was.
 14:21:22 10 Q Did she have a name tag?
 14:21:31 11 A I'm quite sure she did.
 14:21:33 12 Q Do you know -- did this off- -- these two
 14:21:36 13 officers, female and male officer, say anything about
 14:21:38 14 having been on the 1300 block of North Menard?
 14:21:41 15 A No. They just simply said, "Don't worry.
 14:21:44 16 We're going to put you in the back of the squad car, and
 14:21:47 17 we're going to drive past, and if you see anybody that
 14:21:50 18 matches the description that you gave us, let us know."
 14:21:53 19 And that's exactly what they did.
 14:21:57 20 Q Okay. The male officer -- was the male
 14:21:59 21 officer Caucasian? African-American?
 14:22:02 22 A He wasn't African-American. I don't know
 14:22:07 23 what he was.
 14:22:07 24 Q How old was he?
 14:22:09 25 A I have no idea.

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KEITH THORNTON, JR. - June 10, 2013

149

14:22:09 1 Q What was his name?

14:22:09 2 A I do not know.

14:22:10 3 Q What color was his hair?

14:22:11 4 A I do not know.

14:22:13 5 Q What was his height and weight?

14:22:23 6 A Don't know.

14:22:25 7 Q In that 20 to 25 minutes you were in the

14:22:29 8 room, did the lieutenant come in to talk to you at all?

14:22:32 9 A No, ma'am. No officers talked to me in the

14:22:35 10 25 minutes that I was within the room, except the two

14:22:38 11 officers that came to get me, which was the male and

14:22:40 12 female, to go and do the show-up.

14:22:43 13 Q Did you call the fire station to tell them

14:22:43 14 you were coming?

14:22:46 15 A No, I was not.

14:22:48 16 Q Did -- did you ever tell lieutenant -- the

14:22:51 17 lieutenant that you were a firefighter?

14:22:53 18 A She asked me where was I going, because she

14:22:56 19 was -- I was concerned about my safety at that point with

14:22:59 20 doing a show-up, and I told her I wanted to go to -- I was

14:23:06 21 going to the firehouse and -- I did tell her that.

14:23:09 22 And at that point, I was very scared, so

14:23:13 23 she said to wait. This was after everything had taken

14:23:16 24 place, and she had me wait in the room. And she said,

14:23:19 25 "Let them" -- I guess they cleared the scene there, and

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KEITH THORNTON, JR. - June 10, 2013

150

14:23:24 1 then that's when I left the scene.

14:23:27 2 Q Cleared -- cleared what scene?

14:23:34 3 A Cleared the scene so I could leave.

14:23:34 4 Q Outside?

14:23:34 5 A Excuse me?

14:23:37 6 Q I'm sorry. Cleared what scene? The scene

14:23:38 7 outside?

14:23:40 8 A There was a scene outside, yes, ma'am, with

14:23:46 9 the several individuals who were standing outside.

14:23:48 10 Q Okay. Did you go with the female/male

14:23:50 11 officers to their car?

14:23:53 12 A Yes, I did. They took me to their vehicle.

14:23:55 13 It was parked right outside in the front.

14:23:59 14 Q And it was facing east?

14:24:01 15 MS. PINKSTON: Objection. Leading.

14:24:05 16 THE WITNESS: It was facing east.

14:24:07 17 Q BY MS. DYM KAR: You got in the back seat?

14:24:08 18 A Yes, I did.

14:24:11 19 Q And which way did the -- the car drive?

14:24:19 20 A It drove east and turned at the end of the

14:24:19 21 block.

14:24:24 22 This just went out.

14:24:25 23 THE COURT REPORTER: Can we go off the

14:24:26 24 record for a second?

14:24:26 25 MS. DYM KAR: Yeah. Sure.

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KEITH THORNTON, JR. - June 10, 2013

151

14:24:27 1 THE VIDEOGRAPHER: We're going off the
 14:24:28 2 record at 2:24 p.m.
 14:25:57 3 (Brief recess.)
 14:25:58 4 THE VIDEOGRAPHER: We're back on the record
 14:26:02 5 at 2:26 p.m.
 14:26:05 6 Q BY MS. DYM KAR: Okay. You said that you
 14:26:08 7 were -- you drove in a -- was it a marked car --
 14:26:08 8 A Yes, it was.
 14:26:10 9 Q -- marked squad car?
 14:26:10 10 A Yes, it was.
 14:26:17 11 Q Did you happen to see the beat number on
 14:26:18 12 the -- on the top of the car?
 14:26:20 13 A No, ma'am.
 14:26:26 14 Q You said that the -- was it the male
 14:26:31 15 officer or the female officer driving?
 14:26:34 16 A The female officer was driving. The male
 14:26:36 17 officer was in the passenger's seat.
 14:26:39 18 Q Where did they make a U-turn?
 14:26:40 19 A I don't know what street that is, but it's
 14:26:42 20 the one that's directly east of that location.
 14:26:43 21 Q Just east of Menard?
 14:26:44 22 A I have no -- I -- I have no idea what the
 14:26:50 23 streets are. You walk straight outside of the station,
 14:26:53 24 the first street east of that location is where we made
 14:26:55 25 the U-turn.

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KEITH THORNTON, JR. - June 10, 2013

152

14:26:58 1 Q So when they made a U-turn, did they then
 14:27:00 2 come on Madison going west?
 14:27:05 3 A That is correct.
 14:27:07 4 Q Where -- where did the squad car go then?
 14:27:12 5 A It pulled up to the left side of the
 14:27:19 6 individuals at the corner.
 14:27:23 7 Q Of the -- when you say "the individuals,"
 14:27:25 8 how many individuals are you talking about?
 14:27:26 9 A I don't know the exact amount of
 14:27:29 10 individuals, but it was the people from the SUV as well as
 14:27:33 11 the individuals from the car.
 14:27:34 12 Q So there was six or seven individuals?
 14:27:36 13 A I would say so.
 14:27:41 14 Q Were there any other people in the
 14:27:43 15 vicinity, private citizens?
 14:27:44 16 A No, there were not.
 14:27:47 17 Q Did you ever see any women?
 14:27:49 18 A I can't recall. I want to say there was a
 14:27:53 19 female within it. I don't know.
 14:27:56 20 Q A female as one of the seven?
 14:27:58 21 A I want to say it -- it was, but I cannot
 14:28:05 22 recall at this time.
 14:28:12 23 Q The individuals that you saw, is it safe to
 14:28:14 24 say there were six or seven of them?
 14:28:16 25 A Yes, ma'am.

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KEITH THORNTON, JR. - June 10, 2013

153

14:28:17 1 Q Okay. What were they doing?

14:28:21 2 A They were standing on a -- at the hood --

14:28:26 3 actually, from the hood on the side of their vehicle, and

14:28:29 4 I believe they were in handcuffs.

14:28:31 5 Q Did they have their hands on the vehicle?

14:28:33 6 A No. They were in handcuffs.

14:28:34 7 Q So they were handcuffed behind?

14:28:36 8 A Yes, that is correct.

14:28:39 9 Q Were they handcuffed to each other?

14:28:43 10 A I don't recall all of that, ma'am.

14:28:45 11 Q So their -- as you're going down the

14:28:48 12 street, their backs were to you?

14:28:50 13 A Excuse me. Were their backs towards me?

14:28:51 14 Q Yeah.

14:28:53 15 A No, ma'am. They were facing me.

14:28:54 16 Q You said something about they -- they were

14:28:55 17 at the hood?

14:28:59 18 A They were towards the front of the car

14:29:06 19 facing me, and they had handcuffs on.

14:29:09 20 Q Up until this point, had you said anything

14:29:15 21 to any officer identifying any of these individuals as

14:29:18 22 having been on the 1300 block of North Menard?

14:29:19 23 A Yes, ma'am.

14:29:20 24 Q What did you say?

14:29:22 25 A "I don't know who any of the other ones

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KEITH THORNTON, JR. - June 10, 2013

154

14:29:25 1 are, but that one right there in the red with the

14:29:31 2 dreadlocks, dark-skinned, that's the individual."

14:29:35 3 Q Okay. When did you first say that,

14:29:42 4 pointing to an individual? Was that when you were in the

14:29:44 5 car with the man and woman officer, or was it before that?

14:29:46 6 A That is correct, when I was in the vehicle.

14:29:48 7 Q Okay. Up until that time when you were

14:29:52 8 talking to the lady lieutenant, had you pointed out any

14:29:52 9 individual outside?

14:29:55 10 A Yes. I told her it was a male over there,

14:29:57 11 described him. I'm quite -- I knew exactly what he was

14:30:00 12 wearing, more so than just his coat, and I described

14:30:01 13 everything.

14:30:03 14 At this point, I don't recall any of that,

14:30:08 15 but I did explain that.

14:30:10 16 Q Okay. So we're -- we're talking about your

14:30:12 17 conversation with the lady lieutenant?

14:30:12 18 A Yes.

14:30:17 19 Q What did you say to her regarding -- strike

14:30:17 20 that.

14:30:19 21 When you were talking to the lady

14:30:21 22 lieutenant, did you point anybody out to her?

14:30:22 23 A No, I did not. I said, "On the corner

14:30:26 24 right there, there's a group." It's clearly big windows

14:30:29 25 at the police station. They're the only individuals that

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KEITH THORNTON, JR. - June 10, 2013

155

14:30:34 1 were out there, and I said, "The guy right there, with the
 14:30:36 2 dreadlocks and everything that he was wearing, is the
 14:30:42 3 individual who just threw a bottle that struck an officer
 14:30:44 4 over on Menard."

14:30:46 5 That's when she got on the radio, verified,
 14:30:49 6 did what she did. And then she walked away and said,
 14:30:53 7 "Okay. Thank you," and told me to take a seat inside of a
 14:30:56 8 room, and they'll get with us in a -- get with me in a
 14:30:57 9 second.

14:30:59 10 Q Okay. Let's go back to what you just said.
 14:31:04 11 You said that she verified what they did. You know that
 14:31:06 12 she got on the radio; right?

14:31:06 13 A That's correct.

14:31:08 14 Q Did you hear anything she said to anybody
 14:31:11 15 on the radio?

14:31:13 16 A No. I -- all I know is she was talking to
 14:31:17 17 25. I know that kept coming up.

14:31:19 18 Q Okay. The 25th District; right?

14:31:20 19 A That is correct.

14:31:21 20 Q Okay. But you couldn't hear what she was
 14:31:25 21 saying to the person on the other end of the radio or what
 14:31:27 22 they were saying her; right?

14:31:32 23 A No. It's been too long, ma'am.

14:31:34 24 Q No. My question is, at that time, could
 14:31:35 25 you hear what she was saying?

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KEITH THORNTON, JR. - June 10, 2013

156

14:31:37 1 A Yeah. I could hear what she was saying,
 14:31:40 2 but I don't recall it. So I'm not going to put words in
 14:31:45 3 her mouth.

14:31:50 4 Q Okay. When you pulled up with the man and
 14:31:57 5 woman officer next to the two cars in the parking lane,
 14:32:03 6 were you in the -- you were in one of the traffic lanes;
 14:32:05 7 right?

14:32:06 8 MS. PINKSTON: Objection to form. That was
 14:32:11 9 leading, mischaracterizes testimony on many accounts.

14:32:12 10 Q BY MS. DYM KAR Were you in a traffic lane?

14:32:13 11 A Yes, we were.

14:32:17 12 Q Were you in the traffic lane closest to the
 14:32:19 13 median or the traffic lane closest to the --

14:32:25 14 A I don't recall. Don't recall.

14:32:28 15 Q The people who were lined up -- you said
 14:32:31 16 there were six or seven of them, and one of them could
 14:32:32 17 have been a woman; right?

14:32:33 18 A Yes.

14:32:36 19 Q And they were all in handcuffs facing you?

14:32:38 20 A That is correct.

14:32:40 21 Q Were any of them on their knees?

14:32:45 22 A No.

14:32:47 23 Q What, if anything, did you say to either of
 14:32:47 24 the two officers in the car?

14:32:50 25 A I just told you that three minutes ago,

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KEITH THORNTON, JR. - June 10, 2013

157

14:32:53 1 ma'am, "That's the guy right there" --

14:32:54 2 Q Tell me exactly what you said.

14:32:57 3 A "That's the guy right there in the red with

14:33:00 4 the dreadlocks, dark-skinned. That's him right there."

14:33:03 5 At that point, they pulled up. They talked

14:33:05 6 to one of the officers there and said -- they told them

14:33:08 7 exactly what I said, and we left.

14:33:13 8 Q How long were you near the two parked cars

14:33:15 9 with the male and female officer?

14:33:20 10 A At least 30 seconds.

14:33:22 11 Q Did you ever say anything to the man and

14:33:27 12 woman officer about any of the other people -- the people

14:33:31 13 other than the man in dreadlocks?

14:33:33 14 A Yes. "I don't know who they are. They had

14:33:35 15 nothing to do with what I was reporting. It's only the

14:33:45 16 one individual."

14:33:47 17 Q When you left with the man and the woman

14:33:49 18 officer, where did you go?

14:33:52 19 A They did another U-turn at the next street,

14:33:56 20 which was west of that location, and we parked right back

14:33:59 21 in front of the police station.

14:34:04 22 Q Were you ever on foot?

14:34:05 23 A Yes.

14:34:07 24 Q After you -- strike that.

14:34:09 25 After you entered the police station, were

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KEITH THORNTON, JR. - June 10, 2013

158

14:34:15 1 you ever on foot walking across the street to see the --

14:34:17 2 to view the people who were being detained?

14:34:20 3 A No. I never went to -- are you asking me

14:34:23 4 -- I don't understand that question now. Are you asking

14:34:30 5 me did I walk over there and actually get their image by

14:34:31 6 foot?

14:34:31 7 Q Yes.

14:34:37 8 A No, ma'am.

14:34:47 9 Q How far were you from the six or seven

14:34:54 10 individuals, all male except for one, when you said, "It's

14:34:56 11 the" -- "it's the man in the red"?

14:34:56 12 A We were --

14:34:58 13 MS. PINKSTON: I'm going to object. It's

14:35:06 14 growing increasingly as far as mischaracterizing the

14:35:06 15 testimony. You asked him if there was a female at the

14:35:08 16 scene. He said yes, and now it's grown into one of the

14:35:12 17 people against the car was a female. It mischaracterizes

14:35:14 18 entirely what he said.

14:35:14 19 MS. DYM KAR: All right.

14:35:15 20 MR. BLASCHKE: And it's leading.

14:35:15 21 Q BY MS. DYM KAR: Why don't -- why don't I

14:35:17 22 ask you. One of the people in the handcuffs you believe

14:35:18 23 was a female?

14:35:18 24 MS. PINKSTON: Objection. Leading,

14:35:21 25 mischaracterizes prior testimony.

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KEITH THORNTON, JR. - June 10, 2013

159

14:35:22 1 Q BY MS. DYM KAR: Sir?

14:35:24 2 A What question do you have? You just asked

14:35:25 3 three of them.

14:35:25 4 Q Pardon me?

14:35:27 5 A What question are you asking me now?

14:35:30 6 Q Was one of the six or seven people in

14:35:32 7 handcuffs that you viewed a female?

14:35:34 8 A I said there's a possibility. I was not

14:35:37 9 paying attention to any of the other suspects, because the

14:35:41 10 one that I knew who was dressed the way that he was with

14:35:44 11 the dreadlocks was easily identifiable, and that's the guy

14:35:48 12 who I told the officers were. So do I know who the other

14:35:51 13 ones were? Absolutely not.

14:35:56 14 Q How far from them were you when you viewed

14:35:56 15 them?

14:35:59 16 A If I pulled my squad right up to -- right

14:36:03 17 next to them, not even -- not even a foot. That's how far

14:36:05 18 we were, right next to them.

14:36:06 19 Q I didn't understand your answer. You were

14:36:08 20 a foot away from them?

14:36:17 21 A Not even a foot. We were very close.

14:36:19 22 Q Do you ever recall talking to an officer

14:36:21 23 named Mark Kushner?

14:36:23 24 A I probably did talk to an officer. I don't

14:36:25 25 know their names.

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KEITH THORNTON, JR. - June 10, 2013

160

14:36:27 1 Q Okay. Do you recall speaking to a white

14:36:29 2 officer with glasses?

14:36:32 3 A I don't recall, ma'am.

14:36:35 4 Q You don't recall if you did?

14:36:37 5 A I spoke to an officer after that who took

14:36:40 6 my driver's license.

14:36:44 7 Q Okay. I'm talking about outside the police

14:36:48 8 department, outside the police station. Did you speak to

14:36:50 9 a white officer with glasses?

14:36:56 10 A No, I don't recall that.

14:37:02 11 Q Do you recall speaking to an officer named

14:37:05 12 Esquivel?

14:37:10 13 A No, ma'am.

14:37:12 14 Q Do you recall speaking to any Hispanic

14:37:14 15 officers --

14:37:14 16 A I --

14:37:15 17 Q -- that morning?

14:37:18 18 A -- do not recall, ma'am.

14:37:22 19 Q Okay. When you say you don't recall, I

14:37:23 20 just want to be clear. You're saying you don't recall if

14:37:25 21 you did, or you don't -- you don't recall that you did?

14:37:27 22 A I spoke to officers inside a police station

14:37:30 23 once I was done with the show-up, and I do not recall who

14:37:32 24 I was talking to.

14:37:36 25 Q Once you got out of the car that had the

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KEITH THORNTON, JR. - June 10, 2013

161

14:37:39 1 male and female officer, did you see them again in the
 14:37:39 2 station?
 14:37:44 3 A No, I did not.
 14:37:48 4 Q Do you know whether -- from anything you
 14:37:51 5 heard once you got in the station, whether the man or
 14:37:54 6 woman officer said anything to anybody in the station --
 14:37:54 7 A I have --
 14:37:56 8 Q -- about what was said to them?
 14:37:59 9 A I have no idea. I went back into the room.
 14:38:02 10 No one was in there at that time, and I sat there for a
 14:38:05 11 few hours.
 14:38:10 12 Q When you pulled up in front of the six or
 14:38:16 13 seven individuals in handcuffs, and you pointed out a
 14:38:20 14 person who was wearing -- in dreadlocks wearing red, did
 14:38:22 15 the man or woman officer talk to any of the officers
 14:38:26 16 outside of the vehicle?
 14:38:28 17 A I'm quite sure -- they went outside. I was
 14:38:31 18 inside, so I do not know who they spoke to, if they spoke
 14:38:33 19 to anyone.
 14:38:34 20 Q Okay. So this was -- I'm talking about
 14:38:37 21 when you were in the car. When you were in the car, and
 14:38:40 22 you said something to the man and the woman about
 14:38:44 23 identifying someone. Did they, at that time, say anything
 14:38:46 24 to the officers who were outside the vehicle?
 14:38:49 25 A I believe the male passenger just gave a

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KEITH THORNTON, JR. - June 10, 2013

162

14:38:54 1 thumbs-up. They did a U-turn. They took me into the
 14:38:57 2 station, sat me down in a room, and then they proceeded to
 14:39:01 3 go outside. Don't know what took place after that.
 14:39:02 4 Q Okay. You said that the male officer gave
 14:39:06 5 a thumbs-up. Did you mean actually made a gesture with
 14:39:07 6 the thumb?
 14:39:08 7 A That is correct, ma'am.
 14:39:26 8 Q Okay. But that officer -- strike that.
 14:39:31 9 When you went into the station -- strike
 14:39:31 10 that again.
 14:39:40 11 Did you ever notice the lady lieutenant
 14:39:42 12 take notes to what you were saying?
 14:39:43 13 A I have no idea.
 14:39:45 14 Q Do you recall speaking to me on May 4,
 14:39:48 15 2013, saying that she took a statement from you?
 14:39:50 16 A Yes. And I've already stated that to you.
 14:39:53 17 I told her what happened, and that's when I first got to
 14:39:53 18 the station.
 14:40:00 19 Q Okay. And you don't know if she was
 14:40:02 20 writing down what you were saying at that time?
 14:40:03 21 A I don't know, ma'am.
 14:40:05 22 Q Okay. You went back to the station, said
 14:40:11 23 you were put in a room for a number of hours?
 14:40:14 24 A It was a few hours. Yes, it was.
 14:40:15 25 Q Okay. Did anybody speak to you during that

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KEITH THORNTON, JR. - June 10, 2013

163

14:40:16 1 time?

14:40:18 2 A No, ma'am. I went out to the desk and

14:40:23 3 said, "How long is -- am I going to be here." And the

14:40:25 4 individual who was at the desk, who was a blue shirt --

14:40:28 5 don't recall who it was -- they said, "Give me a second."

14:40:32 6 They went to the back. They told me to take a seat. I

14:40:37 7 sat back down inside of the room, and two officers came

14:40:49 8 out. And at that time, they asked -- that's when they

14:40:49 9 took my license and got all of my information and said,

14:40:50 10 "If we need you, we will contact you."

14:40:52 11 Q Okay. Is that the first time that you

14:40:55 12 showed your license to the police officers, any police

14:40:56 13 officer?

14:40:58 14 A I want to say it was the second time. When

14:41:04 15 I first got there, they took it, and the second time --

14:41:07 16 excuse me. The first time when I got there, they -- I

14:41:10 17 showed it to them, because they wanted to ask who I was,

14:41:14 18 and gave it right back. And the second time was when they

14:41:17 19 actually took it, and they were taking notes at that time.

14:41:25 20 And then they asked -- are you talking?

14:41:26 21 Q No, I'm not.

14:41:27 22 A Okay.

14:41:29 23 Q I'm not. I'm waiting for you to finish.

14:41:31 24 A They asked for my phone number, and that

14:41:34 25 they would contact me if they needed me, and whatever.

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KEITH THORNTON, JR. - June 10, 2013

164

14:41:38 1 And at that time, it was very -- time had really went

14:41:42 2 past. It was very early now.

14:41:44 3 Q Going back to when you were left off in

14:41:46 4 front of the -- the 15th District by the male and female

14:41:51 5 officer, they told you to go in the station?

14:41:53 6 A They walked me to the station. Yes, they

14:41:53 7 did.

14:41:54 8 Q Okay. And, then, as far as you knew, they

14:41:55 9 went back out again?

14:42:02 10 A Yes, they did.

14:42:04 11 Q Was it your understanding that they spoke

14:42:09 12 to the police who were detaining the six or seven

14:42:10 13 individuals?

14:42:10 14 A I have no idea, ma'am.

14:42:11 15 MS. PINKSTON: Objection. Foundation,

14:42:11 16 leading.

14:42:14 17 THE WITNESS: I have no idea. I was not

14:42:16 18 out there, and I did not see that, and I've stated that.

14:42:19 19 I sat down in the room, and I saw nothing else of what was

14:42:21 20 taking place outside.

14:42:24 21 Q BY MS. DYM KAR: Did you ever say that any

14:42:28 22 of the individuals, other than the man in dreadlocks in

14:42:31 23 the red jacket, had been involved at all in any criminal

14:42:31 24 activity?

14:42:34 25 A No, I did not. It was only the one

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KEITH THORNTON, JR. - June 10, 2013

165

14:42:37 1 individual.

14:42:41 2 Q And did you ever say that you saw any of

14:42:44 3 the six -- any of the individuals other than the one with

14:42:47 4 dreadlocks at the 1300 block of North Menard?

14:42:51 5 A No, I did not.

14:42:53 6 Q When you were sitting in the station for a

14:42:56 7 number of hours, did anybody come and take a written

14:42:59 8 statement from you as to what happened?

14:43:01 9 A For the third time, ma'am, the only time I

14:43:06 10 saw someone writing a written -- whatever they were

14:43:10 11 writing was when -- the second time when I gave two

14:43:12 12 officers my driver's license and we were at the desk.

14:43:15 13 Prior to me leaving, they took all of my information and

14:43:18 14 my phone number. They were also writing other different

14:43:20 15 things on there. I don't know what they were writing.

14:43:22 16 Q Okay. But did they ask you what happened?

14:43:24 17 A No, ma'am.

14:43:26 18 Q Okay. All -- all they asked you, after you

14:43:28 19 had been waiting there for a couple of hours, was to

14:43:32 20 identify who you were and how you could be contacted?

14:43:35 21 A That's correct.

14:43:38 22 Q Was one of those officers one named

14:43:40 23 Esquivel?

14:43:44 24 A I told you I do not recall any names.

14:43:49 25 Q Do you recall the name Valentine?

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KEITH THORNTON, JR. - June 10, 2013

166

14:43:51 1 A I don't recall any names.

14:43:54 2 Q Was it your understanding that the officers

14:43:57 3 who came in to talk to you were the ones who were writing

14:43:59 4 up the reports for this incident?

14:43:59 5 A I have no idea.

14:44:00 6 MS. PINKSTON: Objection. Foundation,

14:44:00 7 leading.

14:44:07 8 THE WITNESS: No idea, ma'am.

14:44:20 9 Q BY MS. DYM KAR: When you were inside the

14:44:23 10 station, did you see the man with dreadlocks and red

14:44:27 11 jacket that you had pointed outside the station?

14:44:29 12 A No. The room that they took me to, you

14:44:32 13 cannot see outside.

14:44:36 14 Q Did you ever speak to any of the officers

14:44:43 15 who -- speak to any officers who said they had been on the

14:44:48 16 1300 block of North Menard?

14:44:50 17 A No, ma'am.

14:44:51 18 Q Do you know whether you had any contact

14:44:54 19 with an officer named Cronovich?

14:44:56 20 A No, ma'am.

14:44:58 21 Q Do you know if you had any contact with an

14:44:59 22 officer named Milan?

14:45:01 23 A No, ma'am. I -- I rarely had any type of

14:45:06 24 conversations with any officers. It was just the

14:45:09 25 lieutenant, the guy who was working the desk when I

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KEITH THORNTON, JR. - June 10, 2013

167

14:45:11 1 initially went to the station. And he gave me to the
 14:45:13 2 lieutenant, and the individ -- the two officers who drove
 14:45:23 3 me to the incident for the show-up, and then the last two
 14:45:25 4 officers who came out to get my information. Those are
 14:45:28 5 the only two officers that I ever talked to.

14:45:30 6 Q Okay. Just so -- I -- I don't mean to --
 14:45:33 7 to repeat it, but just to sum it up, there isn't any
 14:45:36 8 officer in the 15th District where you gave the entire
 14:45:39 9 story of what you knew and what you saw?

14:45:41 10 A I only spoke to the lieutenant, and she may
 14:45:44 11 have had a few officers on the side of her while I was
 14:45:47 12 telling her what happened when I first got there.

14:45:47 13 MS. PINKSTON: And I'm going to object
 14:45:54 14 because that mischaracterizes his prior testimony.

14:45:57 15 Q BY MS. DYM KAR: When you were getting ready
 14:46:00 16 to leave the station, were you told when you would be
 14:46:06 17 going to court?

14:46:08 18 A No, I was not.

14:46:10 19 Q This gentleman who has been identified
 14:46:14 20 sitting my left, George Smith, do you recall seeing him
 14:46:16 21 the morning of April 10, 2010?

14:46:17 22 A I don't recall.

14:46:19 23 Q He doesn't -- you don't recognize him as
 14:46:22 24 anybody you saw that morning?

14:46:25 25 A It wasn't the guy that threw the bottle, so

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KEITH THORNTON, JR. - June 10, 2013

168

14:46:26 1 I don't recall who he was.

14:46:28 2 Q And you're -- you're not claiming he was at
 14:46:30 3 the scene of the 1300 block of North Menard, are you?

14:46:33 4 A I don't know if he was at the scene of --
 14:46:36 5 of Menard, but I did not see him at the scene of Menard.

14:46:37 6 MS. PINKSTON: To the point that it
 14:46:45 7 mischaracterizes his testimony, objection.

14:46:46 8 Q BY MS. DYM KAR: Were you told, when you
 14:46:49 9 left the police station, that you would have to go to
 14:46:49 10 court at some point?

14:46:53 11 A Yes, I was.

14:46:55 12 Q Were you told how you would be notified?

14:46:58 13 A They just told me they -- they didn't tell
 14:47:01 14 me that. They just said, "We'll -- we'll take your phone
 14:47:03 15 number." They got my information off my driver's license,
 14:47:08 16 and that was pretty much it. So I assumed they would call
 14:47:09 17 me.

14:47:10 18 Q Did you go to court?

14:47:11 19 A Yes, I did.

14:47:12 20 Q How many times?

14:47:15 21 A One time.

14:47:18 22 Q Was that on September 10, 2010?

14:47:20 23 A Can you repeat -- I don't know the date.
 14:47:22 24 But can you repeat that date?

14:47:25 25 Q September 10, 2010.

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KEITH THORNTON, JR. - June 10, 2013

169

14:47:27 1 A I don't know the time, ma'am, but whenever
 14:47:32 2 the criminal -- supposed criminal proceeding or whatever
 14:47:36 3 it is, that's when I went, and it was specifically for
 14:47:41 4 David Wilbon.

14:47:43 5 Q This incident occurred in April. Was the
 14:47:46 6 time you went to court -- is it consistent with your
 14:47:51 7 recollection that it was about five months later?

14:47:52 8 A I cannot recall.

14:47:53 9 Q Well, was it more like --

14:47:56 10 A Can't recall.

14:47:58 11 Q How did you know to come to court?

14:48:00 12 A Because I got -- it was an actual subpoena
 14:48:12 13 through the mail.

14:48:15 14 Q Where did you go to court?

14:48:19 15 A 5555 West Grand Avenue, Chicago, Illinois
 14:48:21 16 60639.

14:48:22 17 Q Was it your understanding that you were
 14:48:28 18 going to -- you were going to participate in a trial that
 14:48:29 19 day?

14:48:32 20 A I don't know too much about a lot of this,
 14:48:35 21 but, yes, I knew I was going to testify as a witness.
 14:48:39 22 That's what I thought I was going to be doing.

14:48:42 23 Q And when you came to court, you saw the man
 14:48:46 24 you had identified outside the 15th District; is that
 14:48:48 25 correct?

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KEITH THORNTON, JR. - June 10, 2013

170

14:48:48 1 A That is correct.

14:48:51 2 Q When did you first hear the name David
 14:48:52 3 Wilbon?

14:48:53 4 A When I first got in there.

14:48:55 5 Q When you first got in where?

14:48:57 6 A To the courtroom. Whatever time it told me
 14:49:01 7 to be there. We weren't -- we were very quick for them to
 14:49:02 8 call our case up.

14:49:05 9 Q I'm asking you -- maybe the answer is the
 14:49:09 10 same, but I'm asking you about the name David Wilbon.
 14:49:11 11 When's the first time you heard that name?

14:49:12 12 A I don't -- I don't know, ma'am. I don't
 14:49:13 13 recall.

14:49:15 14 Q Was it before you got to court or was it
 14:49:16 15 when you got to court?

14:49:20 16 A It was on the subpoena.

14:49:24 17 Q Had you heard that name before you saw it
 14:49:24 18 on the subpoena?

14:49:33 19 A No, ma'am.

14:49:38 20 Q When you went to court, did you speak to
 14:49:40 21 the State's attorney?

14:49:42 22 A If that's who he was, yes, I did. It was
 14:49:46 23 the gentleman. I believe he was Caucasian.

14:49:48 24 Q Did he ask you what had happened?

14:49:50 25 A He didn't ask me what happened, but we got

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KEITH THORNTON, JR. - June 10, 2013

171

14:49:57 1 called up there, I stood up. He had come to me. And
 14:50:01 2 after that, I don't know what, but they had all of us sit
 14:50:02 3 back down.

14:50:06 4 And at that point, I didn't feel
 14:50:07 5 comfortable with being there because of all the
 14:50:11 6 individuals staring at me. So I said, "Do I have to be
 14:50:16 7 here," and he said, "No problem. You don't have to, but
 14:50:18 8 at least you came."

14:50:21 9 Q Were you asked if you recognized anybody?

14:50:26 10 A I wasn't asked any of those questions,
 14:50:30 11 ma'am, except the -- Wilbon. He was standing up at the
 14:50:32 12 podium.

14:50:34 13 Q So you -- were you asked if you recognized
 14:50:35 14 David Wilbon?

14:50:37 15 A That is correct, just him.

14:50:38 16 Q Okay. Who asked you that?

14:50:42 17 A Whoever the gentleman was.

14:50:47 18 Q And you said you recognized him as the
 14:50:49 19 person that threw the bottle?

14:50:51 20 A That is correct. I did identify him.

14:50:52 21 Q And he said, "You don't have to stay"?

14:50:56 22 A I told him I feared for my safety, and he
 14:50:58 23 said -- and they -- I don't know if it was the judge, but
 14:51:02 24 they had us sit back down because of whatever took place,
 14:51:07 25 and I just did not want to sit there. And I asked him,

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KEITH THORNTON, JR. - June 10, 2013

172

14:51:09 1 "Is there -- am I done here." And he said, "Yes, you
 14:51:13 2 are."

14:51:14 3 Q You said that there were many people there.
 14:51:20 4 Are you talking about David Wilbon's family members --

14:51:20 5 A I don't --

14:51:21 6 Q -- or are you talking about other criminal
 14:51:22 7 defendants?

14:51:24 8 MS. PINKSTON: Objection. Foundation.

14:51:25 9 THE WITNESS: I have no idea who they were,
 14:51:29 10 but they were definitely with him and his party.

14:51:30 11 Q BY MS. DYM KAR: Were they -- were there men
 14:51:32 12 or women or both?

14:51:34 13 A Both.

14:51:36 14 Q Did you talk to any of them?

14:51:38 15 A No, I did not.

14:51:41 16 Q Did they talk to you?

14:51:49 17 A They were taunting and staring at me.

14:51:50 18 Q Taunting, does that mean they said
 14:51:51 19 something to you?

14:51:52 20 A They were talking to each other, staring
 14:51:57 21 across the courtroom about myself, while I was on the left
 14:52:02 22 side of the courtroom. And at that point, I got up,
 14:52:05 23 grabbed the guy who had -- the Caucasian male. We walked
 14:52:13 24 out, and I told him, "I do not feel safe here."

14:52:15 25 Q And this is outside the courtroom?

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KEITH THORNTON, JR. - June 10, 2013

173

14:52:18 1 A This was in the back of the courtroom, in
 14:52:18 2 the courtroom.
 14:52:22 3 Q So he said -- after you said that, he said
 14:52:25 4 you could leave?
 14:52:27 5 A I said -- I asked him, "Am -- am I done
 14:52:32 6 here? I came here. I did what I had to do. Am I done
 14:52:33 7 here?"
 14:52:34 8 He said, "Yes. Everything is fine. You
 14:52:41 9 can go."
 14:52:43 10 Q Did the judge or the -- any court personnel
 14:52:45 11 ever call out your name?
 14:52:48 12 A I don't recall that at all. I know they
 14:52:52 13 called the case up there. I don't recall.
 14:52:52 14 Q Did --
 14:52:52 15 A And I actually --
 14:52:56 16 Q -- David Wilbon ever make contact with you
 14:52:57 17 in court --
 14:52:57 18 A No.
 14:52:57 19 Q -- eye contact?
 14:53:00 20 A He made eye contact with me, yes, he did.
 14:53:02 21 And now that I do recall back to it, my name was called
 14:53:06 22 and I did -- that's when I did go up to the -- I did walk
 14:53:06 23 up there.
 14:53:09 24 The officers were on the right side sitting
 14:53:13 25 on -- on the benches. I stood up there. He made eye

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KEITH THORNTON, JR. - June 10, 2013

174

14:53:18 1 contact with me. We never said anything to one another.
 14:53:19 2 Q Okay. What happened when you were called
 14:53:23 3 over to the podium?
 14:53:25 4 A I believe the gentleman that I had asked if
 14:53:28 5 I was done here, he went up to the podium, and they said
 14:53:32 6 something. And that's when he -- the judge -- I don't
 14:53:34 7 know what the terms are called, so I can't recall that.
 14:53:36 8 But they had us sit down.
 14:53:38 9 And then that's when I sat down, saw the
 14:53:41 10 party that was with Wilbon. And then that's when I got
 14:53:44 11 up, and I said, "Okay," and then I told the gentleman --
 14:53:48 12 asked him if I was done here.
 14:53:49 13 Q When you were in front of the judge, did
 14:53:52 14 you hear the judge dismiss the charge?
 14:53:53 15 A I didn't hear any of that. Don't recall
 14:53:58 16 it. Wasn't paying attention to all of that.
 14:53:59 17 Q Do you have -- do you recall anything that
 14:53:59 18 the judge said?
 14:54:02 19 A No, ma'am.
 14:54:05 20 Q What time did you appear in court?
 14:54:09 21 A I don't recall the time. It was in the
 14:54:11 22 morning time.
 14:54:12 23 Q How long were in you court before you
 14:54:19 24 left?
 14:54:21 25 A How long was I in court before I left? I

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KEITH THORNTON, JR. - June 10, 2013

175

14:54:23 1 don't recall that, but I was there early. I would say 30
 14:54:28 2 minutes prior to the time, I was there.

14:54:31 3 Q When did the Caucasian man ask you if you
 14:54:33 4 recognized David Wilbon?

14:54:43 5 A That was when I pulled him to the back.

14:54:46 6 Q When you said that you're not comfortable
 14:54:48 7 and you wanted to leave, he asked you if you recognized
 14:54:49 8 him?

14:54:50 9 A That is correct. The gentleman that was --
 14:54:50 10 he was the only --

14:54:50 11 Q (Inaudible.)

14:54:51 12 A Are you done?

14:54:51 13 Q Yes.

14:54:53 14 A He was the only one that stood up at the
 14:54:58 15 podium, that was David Wilbon. I clearly identified him
 14:55:04 16 again. He had dreadlocks. That was the guy. And I said,
 14:55:07 17 "That's him," and I said, "It's definitely him." No one
 14:55:10 18 else was standing up there with him.

14:55:15 19 And he said, "Okay."

14:55:16 20 Q I'm trying to understand when this
 14:55:18 21 conversation with the Caucasian man took place. So you
 14:55:21 22 got called to the podium, and then you sat back down
 14:55:25 23 again. And then you grabbed the Caucasian man, said, "I'm
 14:55:26 24 not comfortable."

14:55:31 25 Is it then that he asked you whether you

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KEITH THORNTON, JR. - June 10, 2013

176

14:55:33 1 recognized David Wilbon?

14:55:33 2 A That's correct.

14:55:34 3 MS. PINKSTON: Objection. Mischaracterizes
 14:55:35 4 prior testimony.

14:55:36 5 Q BY MS. DYM KAR: I'm sorry. We couldn't
 14:55:41 6 hear you.

14:55:42 7 A Yes, ma'am.

14:55:45 8 Q Did I get the order right? You went up to
 14:55:48 9 the -- let me go through that again, just to make sure we
 14:55:49 10 got the order right.

14:55:51 11 You went up to the podium, and then you sat
 14:55:53 12 back down again. And then you got the attention of the
 14:55:58 13 Caucasian man, told him you're not comfortable being
 14:56:02 14 there. He asked you if you recognized David Wilbon. You
 14:56:06 15 said "yes." And he said, "You don't have to stay"?

14:56:08 16 A You're completely mixing up everything I'm
 14:56:09 17 telling you.

14:56:12 18 Q Then give me the sequence. If I got it
 14:56:14 19 wrong, then -- then start -- start from the beginning.
 14:56:17 20 You're sitting in court, the case gets called.

14:56:17 21 What happens?

14:56:21 22 A I step up to the podium. Mr. Wilbon steps
 14:56:30 23 up to the podium. The male Caucasian walks up to the
 14:56:33 24 judge, other person is talking with Mr. Wilbon. I don't
 14:56:36 25 know who he was with. And at that time, he walks back

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KEITH THORNTON, JR. - June 10, 2013

177

14:56:38 1 over to me, says, "Okay. Take a seat. We're going to be
 14:56:42 2 up in a little while."
 14:56:44 3 At that time, all of us, Mr. Wilbon,
 14:56:52 4 whoever was representing him, I sat on the other side. We
 14:56:57 5 all took a seat. At that time, when I took a seat where
 14:56:58 6 Mr. Wilbon was, all of the individuals, who -- I don't
 14:57:01 7 know if it was his family. I don't know if it was his
 14:57:03 8 friends. But it was definitely his party -- were staring
 14:57:08 9 at me. I did not feel safe.
 14:57:15 10 The Caucasian guy walked back towards me,
 14:57:18 11 took me to the back, and said, "Do you identify the
 14:57:18 12 individual who was at the podium."
 14:57:20 13 I said, "Yes, I do." And I said, "Sir, I
 14:57:24 14 have a question. Do -- am I done here? Because I do not
 14:57:27 15 feel safe."
 14:57:29 16 He said, "You're done. Thank you. We
 14:57:32 17 appreciate it for coming up here."
 14:57:33 18 That was it.
 14:57:34 19 Q Okay.
 14:57:36 20 A I left, and that was it.
 14:57:40 21 Q Now, did you ever talk to the attorney for
 14:57:41 22 David Wilbon?
 14:57:43 23 A No, ma'am.
 14:57:45 24 Q Did you ever hear the name Chris Shepherd
 14:57:45 25 at --

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KEITH THORNTON, JR. - June 10, 2013

178

14:57:51 1 A Don't recall.
 14:57:56 2 MS. DYM KAR: Sorry. I would like to take a
 14:58:00 3 five-minute -- five- to ten-minute break, look through my
 14:58:03 4 notes, and speak to my client. I might be done.
 14:58:07 5 MS. PINKSTON: Okay.
 14:58:09 6 THE VIDEOGRAPHER: Counsel, do you want to
 14:58:10 7 go off the record here?
 14:58:11 8 MS. DYM KAR: Yes, please.
 14:58:13 9 THE VIDEOGRAPHER: We're going off the
 14:58:14 10 record at 2:58 p.m.
 15:12:24 11 (Brief recess.)
 15:12:25 12 MS. PINKSTON: Counsel for the City is
 15:12:31 13 going to need a transcript.
 15:14:41 14 THE VIDEOGRAPHER: We're back on the record
 15:14:47 15 at 3:14 p.m.
 15:14:49 16 Q BY MS. DYM KAR: Just a couple of more
 15:14:49 17 questions, sir.
 15:14:53 18 Did you ever speak to Lieutenant -- the
 15:14:59 19 lady lieutenant again after your first conversation with
 15:15:06 20 her at any point in this case?
 15:15:07 21 A I don't recall. That -- maybe the same
 15:15:15 22 day, the same night. I don't -- never afterwards.
 15:15:21 23 Q Okay. When you had this conversation --
 15:15:28 24 the conversation with the lady lieutenant in the lobby,
 15:15:32 25 and you said to her that there was an individual outside

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KEITH THORNTON, JR. - June 10, 2013

179

15:15:33 1 that you had seen throw the bottle, did she ask you
 15:15:35 2 anything at all about the other individuals who were out
 15:15:35 3 there?
 15:15:37 4 A Yes, she did. She said, "Who -- who are
 15:15:39 5 they." I said, "I don't know who they are," but I
 15:15:42 6 explained that he was in the SUV with a few of them. They
 15:15:45 7 picked him up from this location, and those guys were
 15:15:49 8 already in that vehicle. And they're just all out there
 15:15:52 9 now, and they were just dancing around. But I said, "The
 15:15:57 10 one that is -- that threw the bottle is the one in the
 15:15:57 11 red."
 15:16:00 12 Q Did you ever say anything to the lady
 15:16:02 13 lieutenant about any of the other individuals in the SUV,
 15:16:09 14 with the man with dreadlocks, as having done anything
 15:16:09 15 wrong?
 15:16:15 16 A No, I did not.
 15:16:17 17 Q And did -- did you ever say to her you had
 15:16:22 18 seen the other individuals in the SUV on the 1300 block of
 15:16:22 19 Menard?
 15:16:22 20 A No, I did.
 15:16:24 21 MS. PINKSTON: Objection. Mischaracterizes
 15:16:27 22 prior testimony of where he picked them up.
 15:16:28 23 MS. DYM KAR: Okay. I have no other
 15:16:28 24 questions.
 15:16:36 25 MS. PINKSTON: Okay.

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KEITH THORNTON, JR. - June 10, 2013

180

CROSS-EXAMINATION

15:16:36 1
 15:16:36 2 BY MS. PINKSTON:
 15:16:38 3 Q Hello, Mr. Thornton. I just have a few
 15:16:39 4 questions for you.
 15:16:40 5 A Hi, Ms. Pinkston.
 15:16:43 6 Q I just wanted to talk about the SUV for a
 15:16:45 7 moment. Do you know for sure, as you sit here today, what
 15:16:47 8 color the SUV was?
 15:16:52 9 A For sure, I don't know at this time. I
 15:16:55 10 knew when I called 911. I gave them the exact
 15:16:59 11 information, ma'am, but -- but I would -- I would not know
 15:17:08 12 at this time.
 15:17:09 13 Q Okay. And, then, for the record, can you
 15:17:11 14 -- do you recall what your phone number was on April 10,
 15:17:13 15 2010, when you made that 911 call?
 15:17:15 16 A Yes. It's not the same one I have now.
 15:17:19 17 I've actually had a few numbers. I can go through both of
 15:17:30 18 them. I think it's (630) 235-7635, was one of them.
 15:17:38 19 Another number I've had was (630) 460-7998. And my number
 15:17:45 20 that I have now is (312) 203-4205.
 15:17:47 21 Q Thank you. And you believe it was one of
 15:17:49 22 these three numbers that you called 911 from?
 15:17:51 23 A I'm quite sure it was a 630 number because
 15:18:02 24 I didn't have a 312 number at all.
 15:18:03 25 Q When you were on the phone with the

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KEITH THORNTON, JR. - June 10, 2013

181

15:18:07 1 call-taker for 911, did you ever ask to be anonymous or
 15:18:09 2 tell the call-taker you didn't want to be identified?
 15:18:26 3 A I probably said anonymous.
 15:18:29 4 Q When you were outside the police station --
 15:18:31 5 the 15th District Police Station in Madison, did you ever
 15:18:34 6 see any police officers with their guns drawn?
 15:18:38 7 A No, ma'am, not at all.
 15:18:39 8 Q Now, earlier you testified that we -- that
 15:18:42 9 you and I have not corresponded via e-mail, but isn't it
 15:18:54 10 true that I have corresponded with you via e-mail?
 15:18:54 11 A That you've sent -- I've -- through phone
 15:18:55 12 conversations?
 15:18:57 13 Q But you forwarded me e-mails from Irene
 15:18:59 14 Dymkar; correct?
 15:19:01 15 A Oh, forwarding all of her e-mails. I have
 15:19:01 16 forwarded --
 15:19:02 17 Q Yes. And then I e-mailed you concerning
 15:19:03 18 your affidavit; correct?
 15:19:04 19 A Yes, ma'am.
 15:19:06 20 Q And I e-mailed you this past Friday about
 15:19:10 21 the location of the deposition; correct?
 15:19:10 22 A Correct.
 15:19:12 23 Q Okay. I just wanted to make sure that was
 15:19:13 24 clear.
 15:19:15 25 And earlier you testified that you drafted

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KEITH THORNTON, JR. - June 10, 2013

182

15:19:18 1 Exhibit 2, your affidavit, this one.
 15:19:19 2 Can you see it?
 15:19:22 3 A That's correct.
 15:19:25 4 Q Okay. But isn't it true that during the
 15:19:30 5 telephone conversation that you and I had the last week of
 15:19:30 6 May about your affidavit, that you gave me the factual
 15:19:30 7 information contained in this affidavit?
 15:19:33 8 A That's correct.
 15:19:35 9 Q Okay. And then I put it in a format that
 15:19:37 10 would be acceptable to the Court and e-mailed it to you;
 15:19:38 11 correct?
 15:19:41 12 A That is correct.
 15:19:46 13 Q Okay. And then you called me with changes
 15:19:48 14 because you couldn't get the changes typed in; is that
 15:19:48 15 correct?
 15:19:48 16 A That is correct.
 15:19:49 17 Q And those changes were that the spelling of
 15:19:51 18 your name was incorrect?
 15:19:52 19 A That's correct.
 15:19:53 20 Q And that you wanted me to -- or you wanted
 15:19:56 21 to put in information contained in paragraph 7 about not
 15:19:58 22 interfering with your employment; is that correct?
 15:20:01 23 A That's correct, as well as being at the
 15:20:03 24 location of where I'm at.
 15:20:12 25 Q Right.

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KEITH THORNTON, JR. - June 10, 2013

183

15:20:13 1 And you -- and I made those changes and
 15:20:16 2 e-mailed them back to you and you approved those; correct?
 15:20:16 3 A That's correct.
 15:20:18 4 Q And you, at some point in time, signed it
 15:20:22 5 in front of a notary and sent it back?
 15:20:24 6 A I did. And the notary date was 30th of
 15:20:27 7 May. And I believe that was a currency exchange, and I
 15:20:30 8 sent a copy to your office by mail.
 15:20:34 9 Q The original. But you faxed me a copy on
 15:20:35 10 the 31st; is that correct?
 15:20:36 11 A That's correct.
 15:20:39 12 Q Of May?
 15:20:39 13 A (No response.)
 15:20:41 14 Q And I just want to make sure the statements
 15:20:43 15 contained in this affidavit are true and correct; is that
 15:20:44 16 correct?
 15:20:50 17 A Absolutely, ma'am.
 15:20:52 18 Q Okay. And then I just had one last
 15:20:56 19 question. Are you sure about the number of people in the
 15:20:59 20 SUV being four, or was it approximately four people in the
 15:21:01 21 SUV?
 15:21:03 22 A I would say at least -- I know there were
 15:21:07 23 two passengers, and I -- I -- I kind of definitely know
 15:21:11 24 that there was a -- a third person in there. So that
 15:21:15 25 would -- that would put four of them with Mr. Wilbon.

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KEITH THORNTON, JR. - June 10, 2013

184

15:21:15 1 Q Okay.
 15:21:20 2 A He made four.
 15:21:20 3 MS. PINKSTON: Okay. I don't have
 15:21:23 4 anything.
 15:21:24 5 MS. DYM KAR: I have a couple more questions
 15:21:25 6 based on her questions.
 15:21:25 7
 15:21:25 8 REDIRECT EXAMINATION
 15:21:25 9 BY MS. DYM KAR:
 15:21:27 10 Q First of all, you said that you're not sure
 15:21:30 11 of what the color of the SUV was, but you do recall that
 15:21:33 12 it was a dark SUV; right?
 15:21:33 13 MS. PINKSTON: Objection. Leading,
 15:21:36 14 mischaracterizes prior testimony. You've only been the
 15:21:37 15 one to testify to that today.
 15:21:38 16 Q BY MS. DYM KAR: Sir?
 15:21:39 17 A Excuse me?
 15:21:41 18 Q What was your answer?
 15:21:43 19 A My question (sic) is I don't know the color
 15:21:45 20 of the SUV.
 15:21:46 21 Q Okay. Do you recall that it was a dark
 15:21:47 22 color?
 15:21:48 23 A Possibly, ma'am.
 15:21:50 24 Q Do you recall telling me on May 4, 2013
 15:21:55 25 that it was a dark-color SUV, but you didn't know exactly

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KEITH THORNTON, JR. - June 10, 2013

185

15:21:57 1 what the color was?

15:21:58 2 A I don't recall the color, ma'am.

15:21:59 3 Q Do you recall telling me on May 4, 2013

15:22:05 4 that you did not know the color, but that it was a dark

15:22:05 5 color?

15:22:05 6 A No, no.

15:22:06 7 MS. PINKSTON: Objection. Asked and

15:22:07 8 answered.

15:22:08 9 THE WITNESS: The same way that you're

15:22:11 10 trying to get an answer out of me in -- in saying that

15:22:13 11 that's what you said on the phone to me the same day,

15:22:13 12 ma'am.

15:22:21 13 Q BY MS. DYM KAR: You need to answer the

15:22:25 14 question. You're not quite answering the question. When

15:22:29 15 we talked on May 4, 2013, you did say at that time that

15:22:32 16 you didn't know the color of the vehicle, but that it was

15:22:33 17 a dark color, correct?

15:22:34 18 MS. PINKSTON: Objection. Asked and

15:22:38 19 answered.

15:22:39 20 Q BY MS. DYM KAR: Correct?

15:23:13 21 A It's possibly dark, ma'am. Yes, ma'am.

15:23:15 22 Q Now, regarding the affidavit, which I

15:23:19 23 believe is Exhibit 2, I thought I heard you say when I was

15:23:22 24 asking you questions that you typed up this affidavit?

15:23:24 25 A Yes, I did, within Word. I got it, and it

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KEITH THORNTON, JR. - June 10, 2013

186

15:23:27 1 was on a computer, and there was a correction. I didn't

15:23:31 2 know how to do that, and I talked to Ms. Pinkston, and I

15:23:37 3 told her exactly what I wanted within it.

15:23:38 4 Q Okay. I understood your question just now

15:23:42 5 to Ms. Pinkston was that she drafted the affidavit and

15:23:45 6 sent it to you, and you wanted some changes.

15:23:47 7 A That is correct, ma'am.

15:23:49 8 Q Okay. So you didn't type up the affidavit

15:23:51 9 yourself, did you?

15:23:55 10 A I tried typing it up, and my computer was

15:23:57 11 messed up. I could not change what I wanted, and I told

15:24:01 12 her exactly what I wanted, so she -- she gave me the

15:24:04 13 proper version.

15:24:07 14 Q Okay. When you say "change," she sent you

15:24:12 15 a document in a Word processing program, right?

15:24:14 16 A I don't know what kind of program it was.

15:24:18 17 Q Okay. She sent you a document that was

15:24:22 18 already drafted with the information -- with most of the

15:24:25 19 information that appears on Exhibit 3 -- Exhibit 2;

15:24:26 20 correct?

15:24:28 21 A That is correct, prior to me telling her

15:24:30 22 what I wanted to be within it.

15:24:33 23 Q And then you went to a computer, tried to

15:24:37 24 make some changes, and couldn't make the changes. Then

15:24:41 25 Ms. Pinkston made the changes for you, correct?

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KEITH THORNTON, JR. - June 10, 2013

187

15:24:42 1 A That is correct.

15:24:44 2 Q Sent it to you and then you signed it?

15:24:44 3 A That is correct.

15:24:46 4 Q So when you said that you drafted this

15:24:48 5 document, you don't mean you typed it, right?

15:24:49 6 A I drafted it by telling her what I wanted

15:25:04 7 within it.

15:25:05 8 MS. DYM KAR: Okay. I have no other

15:25:06 9 questions.

15:25:07 10 MS. PINKSTON: Okay. I just have one

15:25:08 11 follow-up, Mr. Thornton.

15:25:08 12

15:25:08 13 RECROS-EXAMINATION

15:25:08 14 BY MS. PINKSTON:

15:25:10 15 Q Are you absolutely sure as you sit here

15:25:14 16 today that the SUV that picked up the man you now know to

15:25:20 17 be David Wilbon, the one with the red jacket and

15:25:30 18 dreadlocks, near Potomac and Menard, was the same SUV that

15:25:30 19 was in front of the 15th District Police Station?

15:25:31 20 A Ms. Pinkston, I followed that SUV in very

15:25:32 21 close proximity all the way from the location of where it

15:25:35 22 picked him up all the way down Central to Madison, and

15:25:40 23 that is exactly, positively, 100 percent the SUV.

15:25:43 24 MS. PINKSTON: Thank you. That's all.

15:25:44 25 MS. DYM KAR: No other question. Thank you.

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KEITH THORNTON, JR. - June 10, 2013

188

15:25:46 1 MS. PINKSTON: Thank you for your time,

15:25:49 2 Mr. Thornton, and thank you for everybody on the end there

15:25:53 3 in California. We appreciate your assistance today.

15:25:54 4 THE WITNESS: Thank you.

15:25:55 5 THE VIDEOGRAPHER: Here marks the end of

15:25:57 6 the today's deposition of Mr. Keith Thornton. The total

15:26:01 7 number of videotapes used was three. They will be stored

15:26:03 8 with Jan Brown & Associates. And we're off the record at

15:30:50 9 3:26 p.m.

15:30:51 10 MS. PINKSTON: After the court reporter has

15:30:55 11 explained our options to us, we've decided that the

15:30:59 12 original would be sent to the ordering parties, not the

15:31:03 13 City of Chicago, counsel for defendants, and the copy will

15:31:06 14 be sent to the deponent, Keith Thornton, with an errata

15:31:09 15 sheet. And he will have 30 days to make any corrections

15:31:12 16 pursuant to that errata sheet, and then the court reporter

15:31:17 17 will send him whatever information, instructions, and a

15:31:21 18 self-addressed stamped envelope so he can send that copy

15:31:32 19 back with the errata sheet and his signature to counsel.

15:31:39 20 THE COURT REPORTER: Which counsel?

15:31:40 21 MS. DYM KAR: And we're not ordering today,

15:31:59 22 but we're going to be making a decision within a few days.

15:31:59 23 (Proceedings concluded at 3:31 p.m.)

15:31:59 24

15:31:59 25

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KEITH THORNTON, JR. - June 10, 2013

189

DECLARATION UNDER PENALTY OF PERJURY

I do hereby certify under penalty of perjury that I have reviewed the foregoing transcript of my deposition; that I have made such corrections as appear noted herein in ink; that my testimony contained herein, as corrected; is true and correct.

DATED this _____ day of _____, 2013,
at _____, California.

Keith Thornton, Jr.

KEITH THORNTON, JR. - June 10, 2013

190

REPORTER'S CERTIFICATION

I, Serena Wong, Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the proceedings was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name on this date: 6/20/13

Serena Wong, CSR No. 10250